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NEW DELHI, APRIL 2—APRIL 8, 2006, SATURDAY/CHAITRA 12—CHAITRA 18, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पुष्कल संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 27 मार्च, 2006

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 27th March, 2006

का. आ. 1283.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री कुमाऊ लोसो जॉन, अधिवक्ता, नागालैंड को दीमापुर, नागालैंड में विशेष न्यायाधीश और विशेष मजिस्ट्रेट के नामनिर्दिष्ट न्यायालयों में दिल्ली विशेष पुलिस स्थापना (के.अ. व्यूरो) द्वारा संस्थित मामलों के अभियोजन और अपील अथवा पुनरीक्षण न्यायालय (यों) में अपीलों, पुनरीक्षणों और किसी अन्य न्यायालय में उससे संबंधित अथवा आनुपंगिक किसी अन्य विषय का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/6/2006-ए.वी.डी.-II]

चंद्र प्रकाश, अवर सचिव

S.O. 1283.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Komuo Loso John, Advocate, Nagaland as Special Public Prosecutor for conducting prosecution in the cases instituted by the Delhi Special Police Establishment (CBI) in the Designated Courts of Special Judge and Special Magistrate at Dimapur, Nagaland and appeals, revisions in the appellate or revisional court (s), and any other matter concerned therewith or incidental thereto in any other court.

[No. 225/6/2006-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 30 मार्च, 2006

का. आ. 1284.— केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 231 पीसी आर 2005 दिनांक 13-12-2005 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से (1) श्री रमेश गेल्ली, भूतपूर्व सीएमडी, पूर्व ग्लोबल ट्रस्ट बैंक, (2) श्री श्रीधर सुबाश्री, भूतपूर्व ईडी, पूर्व ग्लोबल ट्रस्ट बैंक, (3) श्री वाई. कामेश, प्रबंध निदेशक, मैसर्स जैम केबल्स एंड कंडक्टर्स लि. एवं निदेशक, मैसर्स जैम टेलीकॉम लि. और (4) के.वी.एस. राव, कार्यकारी निदेशक, मैसर्स जैम केबल्स एंड कंडक्टर्स लि. एवं निदेशक, मैसर्स टेलीकॉम लि. तथा अन्य अज्ञात व्यक्तियों के विरुद्ध वर्ष 1995—2004 के दौरान मैसर्स जैम केबल्स एंड कंडक्टर्स लि. तथा मैसर्स जैम टेलीकॉम लि. और अन्य किसी व्यक्ति के खातों में साख-सीमा मंजूर और वितरित करने के मामले में उनके कपटपूर्ण कृत्यों के लिए भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 120-बी सपठित धारा 409 एवं 420 के अधीन दंडनीय अपराधों तथा तत्संबंधी सारभूत अपराधों और उक्त अपराधों से संबंधित अथवा संसक्त पडचंत्रों, दुष्टचर्यों और प्रयत्नों तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/7/2006-ए.वी.डी.-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 30th March, 2006

S.O. 1284.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka *vide* Notification No. HD 231 PCR 2005 dated 13-12-2005 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offence punishable under section 120-B IPC read with Section 409 and 420 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and substantive offences thereof, against (1) Shri Ramesh Gelli, former CMD, erstwhile Global Trust Bank, (2) Shri Sridhar Subasri, former ED, erstwhile Global Trust Bank, (3) Shri Y. Kamesh, MD of M/s Gem Cables and Conductors Ltd. and Director of M/s. Gem Telecom Ltd. and (4) Shri K.V.S. Rao, Executive Director of M/s Gem Cables and Conductors Ltd. and Director of M/s Gem Telecom Ltd. and unknown others for their fraudulent acts in the matter of sanction and disbursement of credit limits in the accounts of M/s Gem Cables and Conductors Ltd. and M/s Gem Telecom Ltd. during the year 1995—2004 and any other person and attempts, abetments and conspiracies in relation to, or in connection with the said offence, and any other offences committed in the course of the same transaction, or arising out of the same facts.

[No. 228/7/2006-AVD-II]

CHANDRA PRAKASH, Under Secy.

कार्यालय, मुख्य आयकर आयुक्त, जयपुर

जयपुर, 21 मार्च, 2006

का. आ. 1285.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 सी) की उपधारा (vi) एवं (vi a), आयकर नियम, 1962 के सहपठित नियम 2 सीए द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा "मै. इण्डियन मेडिकल ट्रस्ट, जयपुर" को निर्धारण वर्ष 2004-05 से 2006-07 (वित्त वर्ष 2003-04 से 2005-06) के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त धारा के निमित्त अनुमोदित करती हैं, अर्थात् :—

1. कर निर्धारिता उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
2. कर निर्धारिता उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
3. यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों,
4. कर निर्धारिता आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
5. विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और इसका कोई भी भाग सोसायटी के किसी सदस्य को नहीं दिया जाएगा।

[अधिसूचना सं. 4/06/क्रमांक:मुआआ/ अ.आ.आ.
(समन्वय)/जय./10 (23सी)(vi) एवं (vi ए)/05-06/4355]

एम.एन. वर्मा, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX, JAIPUR

Jaipur, the 21st March, 2006

S.O. 1285.—In exercise of the powers conferred by sub-clause (vi) and (vi a) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, I, the Chief Commissioner of Income-tax, Jaipur hereby approves "M/s Indian Medical Trust, Jaipur" for the purpose of the said section for the assessment years 2004-05 to 2006-07 (F. Yrs. 2003-04 to 2005-06), subject to the following conditions namely :—

1. the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established:

2. the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
3. this order will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.

[Notification No. 4/06/No. CC/Addl. CIT (Co-ord.)/JPR/10 (23C)(vi) and (vi a)/05-06/4355]

M.N. VERMA, Chief Commissioner of Income-tax

जयपुर, 23 मार्च, 2006

का. आ. 1286.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 सी) की उपधारा (vi a), आयकर नियम 1962 के सह पठित नियम 2 सीए द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा "मै. मोहनीदेवी लेखराज ओढरानी चैरिटेबल ट्रस्ट, जयपुर" को निर्धारण वर्ष 2003-04 से 2005-06 (वित्त वर्ष 2002-03 से 2004-05) के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त धारा के निम्न अनुमोदित करती हैं, अर्थात् :—

1. कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
3. यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों,

4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,

5. विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और इसका कोई भी भाग सोसायटी के किसी सदस्य को नहीं दिया जाएगा।

[अधिसूचना सं. 5/06/क्रमांक:मुआआ/ अ.आ.आ.
(समन्वय)/जय./10 (23सी)(viए)/05-06/4420]

एम.एन. वर्मा, मुख्य आयकर आयुक्त

Jaipur, the 23rd March, 2006

S.O. 1286.—In exercise of the powers conferred by sub-clause (vi a) of clause (23 C) of Section 10 of the Income Tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, I, the Chief Commissioner of Income-tax, Jaipur hereby approves "M/s. Mohini Devi Lekhranj Odharani Charitable Trust, Jaipur" for the purpose of the said section for the assessment years 2003-04 to 2005-06 (F. Yrs. 2002-03 to 2004-05), subject to the following conditions namely :—

1. the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
2. the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
3. this order will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.

[Notification No. 5/06/No. CC/Addl. CIT (Co-ord.)/JPR/10 (23C) (vi a)/05-06/4420]

M. N. VERMA, Chief Commissioner of Income-tax

जयपुर, 27 मार्च, 2006

का. आ. 1287.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 सी) की उपधारा (VI) आयकर नियम 1962 के सह पठित नियम 2 सीए द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा "मै. इण्डियन कौंसिल फार इन्टरनेशनल ऐमिटी, जयपुर" को निर्धारण वर्ष 2002-03 से 2004-05 (वित्त वर्ष 2001-02 से 2003-04) के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त धारा के निमित्त अनुमोदित करती है, अर्थात् :—

1. कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
3. यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों,
4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
5. विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और इसका कोई भी भाग सोसायटी के किसी सदस्य को नहीं दिया जाएगा।

[अधिसूचना सं. 6/06/क्रमांक:मुआआ/ अ.आ.आ.
(समन्वय)/जय./10 (23सी)(vi)/05-06/4428]

एम.एन. वर्मा, मुख्य आयकर आयुक्त

Jaipur, the 27th March, 2006

S.O. 1287.—In exercise of the powers conferred by sub-clause (vi) of clause (23 C) of Section 10 of the Income Tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, I, the Chief Commissioner of Income-tax, Jaipur hereby approves "M/s. Indian Council for International Amity, Jaipur" for the purpose of the said section for the assessment years 2002-03 to 2004-05 (F. Yrs. 2001-02 to 2003-04), subject to the following conditions namely :—

1. the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;

2. the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
3. this order will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.

[Notification No. 6/06/No. CC/Addl. CIT (Co-ord.)/
JPR/10 (23C) (vi)/05-06/4428]

M.N. VERMA, Chief Commissioner of Income-tax

जयपुर, 27 मार्च, 2006

का. आ. 1288.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 सी) की उपधारा (vi), आयकर नियम 1962 के सह पठित नियम 2 सीए द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा "मै. इण्डियन कौंसिल फार इन्टरनेशनल ऐमिटी, जयपुर" को निर्धारण वर्ष 2005-06 से 2007-08 (वित्त वर्ष 2004-05 से 2006-07) के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त धारा के निमित्त अनुमोदित करती है, अर्थात् :—

1. कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
3. यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों,

4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
5. विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और इसका कोई भी भाग सोसायटी के किसी सदस्य को नहीं दिया जाएगा।

[अधिसूचना सं. 7/06/क्रमांक:मुआआ/ अ.आ.आ.
(समन्वय)/जय./10 (23सी)(vi)/05-06/4429]

एम.एन. वर्मा, मुख्य आयकर आयुक्त

Jaipur, the 27th March, 2006

S.O. 1288.—In exercise of the powers conferred by sub-clause (vi) of clause (23 C) of Section 10 of the Income Tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, I, the Chief Commissioner of Income-tax, Jaipur hereby approves "M/s. Indian Council for International Amity, Jaipur" for the purpose of the said section for the assessment years 2005-06 to 2007-08 (F. Yrs. 2004-05 to 2006-07), subject to the following conditions namely :—

1. the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
2. the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
3. this order will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.

[Notification No. 7/06/No. CC/Addl. CIT (Co-ord.)/JPR/
10 (23C) (vi)/05-06/4429]

M.N. VERMA, Chief Commissioner of Income-tax

जयपुर, 29 मार्च, 2006

का. आ. 1289.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 सी) की उपधारा (vi a), आयकर नियम 1962 के सह पठित नियम 2 सीए द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा "मैं. मोहनी देवी लेखराज ओढरानी चेरिटेबल ट्रस्ट, जयपुर" को निर्धारण वर्ष 2006-07 से 2008-09 (वित्त वर्ष 2005-06 से 2007-08) के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त धारा के निमित्त अनुमोदित करती है, अर्थात् :—

1. कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
2. कर निर्धारिती उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
3. यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
5. विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और इसका कोई भी भाग सोसायटी के किसी सदस्य को नहीं दिया जाएगा।

[अधिसूचना सं. 8/06/क्रमांक:मुआआ/ अ.आ.आ.
(समन्वय)/जय./10 (23सी)(viए)/05-06/4461]

एम.एन. वर्मा, मुख्य आयकर आयुक्त

Jaipur, the 29th March, 2006

S.O. 1289.—In exercise of the powers conferred by sub-clause (vi a) of clause (23 C) of Section 10 of the Income Tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, I, the Chief Commissioner of Income-tax, Jaipur hereby approves "M/s Mohini Devi Lekhray Odharani Charitable Trust, Jaipur" for the purpose of the said section for the assessment years 2006-07 to 2008-09 (F. Yrs. 2005-06 to 2007-08), subject to the following conditions namely :—

1. the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;

2. the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
3. this order will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.

[Notification No. 8/06/No. CC/Addl. CIT (Co-ord.)/JPR/10 (23C) (via)/05-06/4461]

M.N. VERMA, Chief Commissioner of Income-tax

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 24 मार्च, 2006

स्टाम्प

का. आ.1290— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सेन्चुरियन बैंक, मुम्बई को मात्र दस लाख सत्तासी हजार पांच सौ रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र उन्तीस करोड़ रुपए के समग्र मूल्य के प्रत्येक दस-दस लाख रुपए के ऋणपत्रों के स्वरूप वाले असुरक्षित गैर-परिवर्तनीय विमोच्य गौण बंधपत्रों (शृंखला-डी) पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 7/2006-स्टाम्प/फा. सं. 33/10/2006-बि.क.]

आर.जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 24th March, 2006

STAMPS

S.O. 1290— In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian

Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Centurion Bank, Mumbai to pay consolidated stamp duty of rupees ten lakh eighty seven thousand five hundred only chargeable on account of the stamp duty on unsecured non-convertible redeemable subordinated bonds (Series-D) in the nature of debentures of rupees ten lakh each aggregating to rupees twenty nine crore only, to be issued by the said Bank.

[No. 7/2006-Stamp/F.No. 33/10/2006-ST]

R.G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, दिनांक 24 मार्च, 2006

स्टाम्प

का. आ.1291— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा पॉवर फाइनेंस कॉर्पोरेशन लिमिटेड, नई दिल्ली को मात्र छह करोड़ इकतालीस लाख तिरासी हजार नौ सौ रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त निगम द्वारा जारी किए जाने वाले मात्र एक हजार सात सौ चौतीस करोड़ रुपए के समग्र मूल्य के प्रत्येक दस-दस लाख रुपए के 00000001 से 00017347 तक की विशिष्ट संख्या वाले असुरक्षित विमोच्य गैर परिवर्तनीय गैर संचयी कराधेय बंधपत्रों-XXV शृंखला पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं.6/2006-स्टाम्प/फा. सं. 33/11/2006-बि.क.]

आर.जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 24th March, 2006

STAMPS

S.O. 1291— In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Power Finance Corporation Limited, New Delhi to pay consolidated stamp duty of rupees six crore forty one lakh eighty three thousand nine hundred only chargeable on account of the stamp duty on unsecured redeemable non-convertible non cumulative taxable bonds-XXV Series in the nature of Debentures bearing distinctive number from 00000001 to 00017347 of rupees ten lakh each aggregating to rupees one thousand seven hundred thirty four crore seventy lakh only, to be issued by the said Corporation.

[No. 6/2006-Stamp/F.No. 33/11/2006-ST]

R.G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 24 मार्च, 2006

स्टाम्प

का. आ.1292— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा आवास और शहरी विकास निगम लिमिटेड, नई दिल्ली को मात्र तीन करोड़ उन्नीस लाख, पच्चीस हजार रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त निगम द्वारा क्रमशः 20 सितम्बर, 2005 और 20 फरवरी, 2006 को जारी किए गए मात्र सात सौ पचासी करोड़ रुपये के समग्र मूल्य के 1 से 2850 तक विशिष्ट संख्या वाले हुडको कराधेय बंधपत्र श्रृंखला - XXXIII और 1 से 5000 तक की विशिष्ट संख्या वाले हुडको बंधपत्र संरचित सौदा-I (2006) के रूप में वर्णित बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 8/2006-स्टाम्प फा. सं. 33/12/2006-बि.क.]

आर.जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 24th March, 2006

STAMPS

S.O.1292 — In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Housing and Urban Development Corporation Limited, New Delhi to pay consolidated stamp duty of rupees three crore nineteen lakh twenty five thousand only chargeable on account of the stamp duty on bonds described as HUDCO taxable Bonds Series XXXVIII bearing distinctive numbers from 1 to 2850 and HUDCO Bonds Structured Deal-I (2006) bearing distinctive numbers from 1 to 5000 aggregating to rupees seven hundred eighty five crore only issued by the said Corporation on 20th September, 2005 and 20th February, 2006 respectively.

[No. 8/2006-Stamp F.No. 33/12/2006-ST]

R.G. CHHABRA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 27 मार्च, 2006

(आयकर)

का. आ. 1293— सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2003 से दिनांक 31-3-2006 तक की अवधि के लिए संगठन बी वी पटेल फार्मास्यूटिकल एजुकेशन एण्ड रिसर्च डेवलपमेंट (पी ई आर डी)

सेंटर, थालतेज-गांधी नगर हाईवे, थालतेज, अहमदाबाद-380054 को निम्नलिखित शर्तों के अधीन 'संस्था' श्रेणी के अन्तर्गत अनुमोदित करती है:—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तिय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।

- (iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण पत्र भी संलग्न करेगा:—

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उपधारा (1) के खंड (ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 83/2006 फा. सं. 203/53/2005-आयकर नि.-II]

दीपक गर्ग, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 27th March, 2006

(INCOME TAX)

S.O. 1293— It is hereby notified for general information that the organization B. V. Patel Pharmaceutical Education and Research Development (PERD) Centre, Thaltej-Gandhinagar Highway, Thaltej, Ahmedabad-380054 has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income Tax rules, 1962 for the period from 1-4-2003 to 31-3-2006 under the category 'Institution' subject to the following conditions:—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income and Expenditure account in respect of

the research activities for which it has been approved under sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.

- (iii) The approved organization shall also enclose with the Income and Expenditure account referred to in paragraph (ii) above, a certificate from the auditor:—

(a) Specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.

(b) Certifying that the expenditure incurred was for scientific research.

[Notification No. 83/2006 F. No. 203/53/2005-ITA-II]

DEEPAK GARG, Under Secy.

नई दिल्ली, 27 मार्च, 2006

(आयकर)

का. आ. 1294— सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-1999 से दिनांक 31-3-2002 तक की अवधि के लिए संगठन मै. गणेश साइंटिफिक रिसर्च फाउंडेशन, नई दिल्ली को निम्नलिखित शर्तों के अधीन 'संघ' श्रेणी के अन्तर्गत अनुमोदित करती है:—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।
- (iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण पत्र भी संलग्न करेगा:—

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उपधारा (1) के खंड (ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 82/2006 फा. सं. 203/72/2002-आयकर नि.-II]

दीपक गर्ग, अवर सचिव

New Delhi, the 27th March, 2006

(INCOME TAX)

S.O. 1294— It is hereby notified for general information that the organization M/s. Ganesh Scientific Research Foundation, New Delhi has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 for the period from 1-4-1999 to 31-3-2002 under the category 'Association' subject to the following conditions:—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income and Expenditure account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The approved organization shall also enclose with the Income and Expenditure account referred to in paragraph (ii) above, a certificate from the auditor:—
 - (a) Specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.
 - (b) Certifying that the expenditure incurred was for scientific research.

[Notification No. 82/2006 F. No. 203/72/2002 ITA-II]

DEEPAK GARG, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 28 मार्च, 2006

का. आ. 1295.— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, संलग्न अनुबंध में निम्नलिखित बैंकों/वितीय संस्थाओं के सूचीबद्ध कार्यालयों/शाखाओं को, जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती हैं:—

क्रम सं.	बैंक का नाम	कार्यालयों/शाखाओं की संख्या
1.	स्टेट बैंक ऑफ बीकानेर एंड जयपुर	07
2.	भारतीय स्टेट बैंक	02
3.	पंजाब नेशनल बैंक	14
4.	बैंक ऑफ इंडिया	93
5.	बैंक ऑफ महाराष्ट्र	13
6.	विजया बैंक	04
7.	आन्ध्रा बैंक	05
8.	यूनियन बैंक ऑफ इंडिया	14
9.	इंडियन बैंक	16
10.	स्टेट बैंक ऑफ सौराष्ट्र	01
11.	स्टेट बैंक ऑफ हैदराबाद	17
12.	स्टेट बैंक ऑफ त्रावणकोर (प्र.का.)	01
	कुल	187

[फ. सं. 11016/1/2006-हिन्दी]

रमेशबाबू अणियेरी, संयुक्त निदेशक (राजभाषा)

स्टेट बैंक ऑफ बीकानेर एंड जयपुर
प्रधान कार्यालय,
जयपुर

कार्यालय जिसे राजभाषा नियम 1976 के नियम 10 (4) के अन्तर्गत राजपत्र में अधिसूचित करना है।

सेन्ट्रल स्पाईन, विद्याधर नगर, जयपुर

पता:

1. सेन्ट्रल स्पाईन, विद्याधर नगर, जयपुर

पीसांगन शाखा

पता:

2. पीसांगन शाखा

जिला-अजमेर

अंचल कार्यालय, मुम्बई

पता:

3. अंचल कार्यालय,

746, सब्बरवाल हाऊस,

पी.डी हिन्दूजा मार्ग, खार (पश्चिम),

मुम्बई-400052

मोहाली

पता:

4. एस.सी.एफ. 4-5,

सेक्टर-65,

मोहाली-160062

पंचकुला

पता:

5. एस. सी.ओ. 47,

सेक्टर 11,

पंचकुला

स्टेशनरी डिपो, नारायणा फेस-1, नई दिल्ली

पता:

6. स्टेशनरी डिपो,

42, सामुदायिक केन्द्र,

नारायणा फेस-1,

नई दिल्ली-110028

द्वारका, नई दिल्ली

पता:

7. प्रथम तल,

प्लॉट नं. 2, आशीर्वाद चौक,

सेक्टर 12, द्वारका,

नई दिल्ली

“राजभाषा नियम 1976 के नियम 10 (4) के अंतर्गत अधिसूचित किए जाने वाले कार्यालयों/शाखाओं की सूची”

1. भारतीय स्टेट बैंक
काशरगोड शाखा
कृष्णा बिल्डिंग्स
बैंक रोड, काशरगोड-671121
2. भारतीय स्टेट बैंक
स्थानीय प्रधान कार्यालय
उत्तर-पूर्वी मंडल
ए.टी. रोड, भरलुमुख
गुवाहाटी (असम)
पिन-781009

“राजभाषा नियम 10 (4) के अंतर्गत कार्यालयों की अधिसूचना”

कार्यालय का नाम एवं पता :

पंजाब नेशनल बैंक

शाखा कार्यालय, अमीरा कदल

श्रीनगर-190001

अनुलग्नक 'क'

पंजाब नेशनल बैंक

शाखा कार्यालय : कैलांग,

जिला : लाहौल एवं स्मिति (हिमाचल प्रदेश)

पिन-176 132

दूरभाषा : 01900 222842

1. पंजाब नैशनल बैंक
आंचलिक लेखा परीक्षा कार्यालय
शिमला
कैम्प ऑफिस, जैड ए ओ पंचकुला
एससीओ 71, सैक्टर-5,
पंचकुला-134 109

2. पंजाब नैशनल बैंक
आंचलिक लेखा परीक्षा कार्यालय
पहली मंजिल, पीएनबी हाऊस, 2
नेहरू प्लेस, टॉक रोड,
जयपुर-302 015

3. पंजाब नैशनल बैंक
आंचलिक लेखा परीक्षा कार्यालय
आर ब्लॉक, घाणक्य प्लेस
पटना-800 001

4. पंजाब नैशनल बैंक
आंचलिक लेखा परीक्षा कार्यालय
ई के रोड
मेरठ-250 001

5. पंजाब नैशनल बैंक
आंचलिक लेखा परीक्षा कार्यालय
संजय कॉम्प्लेक्स,
आगरा

6. पंजाब नैशनल बैंक
आंचलिक लेखा परीक्षा कार्यालय
जवाहर भवन, रोशन पुरा
नाका, भोपाल-462 003

अनुशंसित शाखाओं के नाम व पते

01. जोरहाट ए.टी. रोड, जोरहाट
जिला एवं डाकघर जोरहाट
असम
02. जू रोड, गुवाहाटी जू रोड, गुवाहाटी
जिला कामरूप, असम
03. इरिलबंग कागबा आयंगपाली रोड,
डाकघर इम्फाल (ई.)-II
मणिपुर
04. इम्फाल थांगल बाजार, डाकघर इम्फाल,
कानीपुर सैन्ट्रल,
मणिपुर-795 001
05. सिलचर डाकघर सिलचर
जिला कछार, असम-788 001
06. अगरतला 4, मन्त्रीबारी रोड,
डाकघर अगरतला
जिला पश्चिम त्रिपुरा
त्रिपुरा-799 001

अनुलग्नक-1

बैंक ऑफ इंडिया राजभाषा नियम 10(4) के अंतर्गत अधिसूचीकरण हेतु शाखाओं की सूची

'क' क्षेत्र

जबलपुर अंचल

01. पचपेढ़ी नाका रीना अपार्टमेंट,
पटवा बिल्डिंग, पचपेढ़ी नाका,
रायपुर, छत्तिसगढ़
02. व्यापार विहार शाखा व्यापार विहार मेन रोड,
होटल रमन के पास
बिलासपुर
03. देवेंद्र नगर शाखा आई.जी.पी.व्ही.पी. काम्प्लेक्स,
देवेंद्र नगर,
रायपुर

इंदौर अंचल

04. इंदौर विजय नगर शाखा जीएफ-ए, स्कीम नं. 54
एसआईसीए स्कूल के पास,
मेन रोड, विजय नगर,
इंदौर, मध्य प्रदेश-452 010

गाजियाबाद अंचल

05. प्रताप विहार शाखा 12, जीएमपी, सैक्टर-12,
प्रताप विहार, गाजियाबाद,
उत्तर प्रदेश-201 009
06. राजपुर रोड (देहरादून) जसवंत सीनीयर सैकेंडरी स्कूल,
शाखा राजपुर रोड, देहरादून,
उत्तरांचल-248009
07. काशीपुर शाखा स्टेशन रोड, काशीपुर,
ऊधम सिंह नगर,
जिला, उत्तरांचल
08. हरिद्वार शाखा जगदंबा निवास, देवपुरा,
दिल्ली रोड, हरिद्वार,
उत्तरांचल-249 401
09. रुड़की शाखा श्री राम पैलेस, मालवीय रोड,
देहरादून रोड, रुड़की,
जि. हरिद्वार, उत्तरांचल-247 667

राजस्थान अंचल

10. पाली शाखा चंद्र लोक,
मंथन सिनेमा के पास
पाली, जि.-पाली,
राजस्थान-306 401
11. झोटवाड़ा आई.ए. शाखा 9(4) झोटवाड़ा आई.ए.,
जयपुर (राजस्थान)
12. झुंझुनू शाखा रोड नं. 1, बीडीके हास्पिटल के सामने,
झुंझुनू-333 001 (राजस्थान)
13. चुरू शाखा इन्द्रमणि निवास, वार्ड सं. 18,
स्टेशन रोड,
चुरू-331 001

पटना अंचल

14. आयुध कारखाना नालंदा, राजगीर शाखा आयुध कारखाना नालंदा, गांव ईसरजपुर, राजगीर, जिला-नालंदा, बिहार-803 116
15. कंकड़बाग शाखा परमानंद प्लेस, पंचमंदिर रोड, कंकड़बाग, पटना, बिहार-800 020

आगरा अंचल

16. महामायानगर (हाथरस) शाखा सप्लस गेट पोलिस स्टेशन के सामने, अलीगढ़ रोड, हाथरस, उत्तर प्रदेश-204 101

भोपाल अंचल

17. होशंगाबाद शाखा फौजदार भवन, बालागंज, सात रास्ता, होशंगाबाद, जिला-होशंगाबाद, मध्य प्रदेश-464 001

भागलपुर अंचल

18. दुमका ठतमानंद कॉम्प्लेक्स, दुमका, जिला-दुमका झारखंड-814 101

वाराणसी अंचल

19. इलाहाबाद सेवा शाखा 8/एच/1ए/संगम प्लेस, कलाइव रोड, सिविल लाइन, इलाहाबाद, जिला-इलाहाबाद, उत्तर प्रदेश-211 001
20. राय बरेली शाखा 920, लोकवर्षी बिल्डिंग, पहली मंजिल, फिरोज गांधी डिग्री कॉलेज, चौराहा, राय बरेली, उ.प्र.-229 001
21. बस्ती शाखा शिवम कॉम्प्लेक्स, पहली मंजिल, रोमेश्वरपुरी, गांधीनगर, बस्ती, उत्तर प्रदेश-272 001

"ख" क्षेत्र**रायगढ़ ठाणे अंचल**

22. कल्याण (पूर्व) शाखा शिव दुर्गा सदन, सर्वे नं. 58 ए, हिस्सा नं. 9, काटेमामिवली, कल्याण (पूर्व) जिला-ठाणे, महाराष्ट्र-421 306

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23. थलतेज शाखा शाहजादानंद कॉम्प्लेक्स, भाईकाकानगर बस स्टैंड के सामने, थलतेज, अहमदाबाद-380 059
24. वस्त्रपुर शाखा हिरक एवेन्यू, वस्त्रपुर लेक के सामने, वस्त्रपुर, अहमदाबाद

बंटीगढ़ अंचल

25. पंचकूला, सेक्टर-20 शाखा एस.सी.ओ. नं. 290, सेक्टर-20, पंचकूला, जिला-पंचकूला, हरियाणा
26. सोलन शाखा भाखरू कॉम्प्लेक्स, राजगढ़ रोड, डी.सी. कार्यालय के पास, सोलन, जि. सोलन, हिमाचल प्रदेश
27. बदी शाखा फौजी कॉम्प्लेक्स, साई रोड, बदी, तहसील नालागाढ़, जिला-सोलन, हिमाचल प्रदेश

कोल्हापुर अंचल

28. कोल्हापुर सर्विस शाखा 1519, सी, जय-धवल, लक्ष्मीपुरी, कोल्हापुर, जिला-कोल्हापुर, महाराष्ट्र

सोलापुर अंचल

29. सिध्देश्वर मार्केट शाखा सिध्देश्वर मार्केट, ब्लॉक नं. 1, लोखंडवाला कॉम्प्लेक्स, 98 सी, रविवार पेठ, हैदराबाद रोड, मार्केट यार्ड के पास, सोलापुर-413 003

मुंबई उत्तर अंचल

30. लिंक रोड, मलाड (पश्चिम) शाखा केशव सृष्टि, लिंक रोड, मलाड (पश्चिम), मुंबई-400 064

"ग" क्षेत्र**कर्नाटक अंचल**

31. बेंगलूर आसि वसूली शाखा नं. 11, केम्पेगौडा रोड, बैंक ऑफ इंडिया, तीसरी मंजिल, बेंगलूर, कर्नाटक-560 009
32. आर.टी. नगर सी एंड पी शाखा नं. 400, 2 रा मेन रोड, प्रथम ब्लॉक, आर.टी. नगर, बेंगलूर, कर्नाटक-560 032

कोयंबटूर अंचल

33. कोयंबटूर अंचल 324 ओप्यनकारा स्ट्रीट, कोयंबटूर-641 001
34. एस.एस. कॉलोनी शाखा पुराना नं. 72/नया नं. 128, बाइ-पास रोड, ए.वी.ए.आर. प्लाज़ा, पोन्मीनी, एस.एस. कॉलोनी, मदुराई-625 010
35. अय्यर बंगलो शाखा जया कॉम्प्लेक्स, 2/1121, न्यू नाथम रोड, अय्यर बंगलो, मदुराई-625 014

हैदराबाद अंचल

36. फिल्म नगर शाखा प्लॉट नं. 1, रोड नं. 76, फिल्म नगर, जुबिली हिल्स (फेज-III), हैदराबाद, आं. प्रदेश-500 033

भुवनेश्वर अंचल

37. जयदेव विहार शाखा 1/1डी, जयदेव विहार, नयापल्ली, भुवनेश्वर, उड़ीसा-751 015
38. नरला शाखा ग्राम च डाकघर-नरला जिला-कालाहाण्डि, उड़ीसा-766 100
39. सिंगीपुर शाखा ग्राम च डाकघर-सिंगीपुर, जिला-खुर्दा, उड़ीसा-752 021

कोलकाता अंचल

40. आस्ति वसुली शाखा 5 बी.टी.एम. सरणी, कोलकाता-700 001
41. बालीगंज सर्कुलर रोड शाखा 67/बी, बालीगंज सर्कुलर रोड, कोलकाता-700 019
42. बांगुड़ एवेन्यू शाखा 87, बांगुड़ एवेन्यू, ब्लॉक ए, कोलकाता-700 055
43. बड़ा बाजार शाखा 210/212, जमना लाल बजाज स्ट्रीट, कोलकाता-700 007
44. सी.आई.टी. न्यू रोड शाखा प्लॉट नं. 12, स्कीम नं. 52, सी.आई.टी. न्यू रोड, कोलकाता-700 014
45. देबेन्द्र चंद्र दे रोड शाखा 105, देबेन्द्र चंद्र दे रोड, कोलकाता-700 015
46. इलियट रोड शाखा 108/ए, इलियट रोड, कोलकाता-700 016
47. गड़िया शाखा पी-138, राजा सुभाष चंद्र मल्लिक रोड, कानुनगो पार्क, गड़िया, कोलकाता-700 084
48. कामारहाटी शाखा 36-ए, बैरकपुर ट्रंक रोड, कोलकाता-700 056
49. खेलकूत ओवरसीज शाखा सेक्युरिटी हाऊस, पहली मंजिल, 23-बी, नेताजी सुभाष रोड, कोलकाता-700 001
50. मिलीटरी कैंप बालीगंज शाखा पैरामाऊंट अपार्टमेंट, पहली मंजिल, 25, बालीगंज, सर्कुलर रोड, कोलकाता-700 019

51. रास बिहारी एवेन्यू शाखा 161/3, रास बिहारी एवेन्यू, कोलकाता-700 019
52. शरत बोस रोड शाखा 26, शरत बोस रोड, कोलकाता-700 020
53. श्याम बाजार शाखा 140/1, विधान सारणी, श्याम बाजार, कोलकाता-700 004
54. उल्टाडांगा शाखा 85/डी, उल्टाडांगा मेन रोड, कोलकाता-700 067
55. चाकदाह शाखा चाकदाह बोनगाँव रोड, चाकदाह, जिला-नदिया, पश्चिम बंगाल-741 222
56. अबन्तिपुर शाखा ग्राम-अबन्तिपुर, डाकघर-मंडल पाड़ा, बरास्ता-श्यामनगर, जिला-उत्तर 24 परगना, पश्चिम बंगाल-743 127
57. आनन्दपुरी शाखा 199, बारासात रोड, डाकघर-नोना चंदनपुकुर, जिला-उत्तर 24 परगना, पश्चिम बंगाल-700 122
58. बदरहाट शाखा ग्राम-बदरहाट, डाकघर-पृथिवा, जिला-उत्तर 24 परगना, पश्चिम बंगाल-743 127
59. चंडीपुर शाखा ग्राम एवं डाकघर-चंडीपुर, थाना-बाडुरिया, जिला-उत्तर 24 परगना, पश्चिम बंगाल-743 247
60. गोलबाड़ी शाखा अमीनपुर रोड, ग्राम एवं डाकघर-गोलाबाड़ी बाजार, बरास्ता बारासात, जिला-उत्तर 24 परगना, पश्चिम बंगाल-743 201
61. झंका शाखा ग्राम-तालरा, डाकघर-भावला, जिला-उत्तर 24 परगना, पश्चिम बंगाल-743 422
62. काटियाहाट शाखा ग्राम एवं डाकघर-काटियाहाट, जिला-उत्तर 24 परगना, पश्चिम बंगाल
63. खोलापोत शाखा ग्राम एवं डाकघर-खोलापोता, जिला-उत्तर 24 परगना, पश्चिम बंगाल-743 428
64. पीफा बाजार शाखा ग्राम-पीफा, डाकघर-पीफा, जिला-उत्तर 24 परगना, पश्चिम बंगाल-743 422
65. रामपुर शाखा ग्राम-रामपुर बाजार, डाकघर-रामपुर, बरास्ता कैनिंग टाउन, जिला-उत्तर 24 परगना, पश्चिम बंगाल-743329

66. बिबिरहाटमोड़ शाखा	ग्राम-सांजुआ, डाकघर-बाखराहाट, जिला-दक्षिण 24 परगना, पश्चिम बंगाल-743377	79. चर्खी शाखा	ग्राम-चरखी, डाकघर-बिलेश्वर, बरास्ता-श्रीखंडा, जिला-बर्दवान, पश्चिम बंगाल
67. जयनगर माजिलपुर शाखा	207, कुल्पी रोड, जयनगर, डाकघर, जयनगर माजिलपुर, जिला-दक्षिण 24 परगना, पश्चिम बंगाल-743337	80. जौग्राम शाखा	ग्राम-दोगाछिया, डाकघर-जौग्राम, जिला-बर्दवान, पश्चिम बंगाल
68. काशीनगर शाखा	ग्राम व डाकघर-काशीनगर, जिला-दक्षिण 24 परगना, पश्चिम बंगाल-743349	81. हापानडांगा शाखा	ग्राम-हापानडांगा, डाकघर- अबुझादी, जिला-बर्दवान, पश्चिम बंगाल
69. मूरपुर शाखा	ग्राम व डाकघर-मूरपुर, जिला-दक्षिण 24 परगना, पश्चिम बंगाल	82. मिथानी शाखा	ग्राम एवं डाकघर-मिथानी, जिला-बर्दवान, पश्चिम बंगाल, पिन-713359
70. श्रीकृष्णनगर शाखा	ग्राम व डाकघर-श्रीकृष्णनगर, जिला-दक्षिण 24 परगना, पश्चिम बंगाल-743372	83. नवाबहाट शाखा	जी. टी. रोड डाकघर-फागुपुर, थाना-सदर, जिला-बर्दवान, पश्चिम बंगाल
71. तारदाह बाजार शाखा	ग्राम व डाकघर-तारदाह, जिला-दक्षिण 24 परगना, पश्चिम बंगाल-743330	84. नेपाकुली शाखा	ग्राम-नेपाकुली, डाकघर- गोदान्नाडा, थाना-कालना, जिला-बर्दवान, पश्चिम बंगाल
हावडा अंचल		85. पालसीट शाखा	ग्राम-पालसीट, डाकघर-भाइता, जिला-बर्दवान, पश्चिम बंगाल, पिन-713408
72. घुसुडी शाखा	114, नस्कर पाडा रोड, हावडा, पश्चिम बंगाल, पिन-711107	86. रानीगंज शाखा	आनन्द भवन, महात्मा गांधी रोड, रानीगंज, पश्चिम बंगाल, पिन-713347
73. मानिकपीर शाखा	डाकघर बन हरीशपुर, जिला-हावडा, पश्चिम बंगाल, पिन-711322	87. साहापुर शाखा	ग्राम-साहापुर, डाकघर-पर्वतपुर, थाना-जमालपुर, जिला-बर्दवान, पश्चिम बंगाल
74. ससाली शाखा	ग्राम एवं डाकघर-ससाली, जिला-हावडा, पश्चिम बंगाल, पिन-711326	88. सांक्रिया शाखा	ग्राम एवं डाकघर-सांक्रिया, जिला-बर्दवान, पश्चिम बंगाल, पिन-713347
75. बेराबेरी शाखा	ग्राम एवं डाकघर-बेराबेरी, जिला-हुगुली, पश्चिम बंगाल, पिन-712459	89. सातगाछिया शाखा	डाकघर-सातगाछिया, जिला- बर्दवान, पश्चिम बंगाल
76. कानरारिया शाखा	प्रकाश भवन, ग्राम-कानरारिया, डाकघर-केशवचौक, बरास्ता तारकेश्वर, जिला-हुगुली, पश्चिम बंगाल, पिन-712410	90. श्यामसुन्दर शाखा	ग्राम एवं डाकघर-श्यामसुन्दर, जिला-बर्दवान, पश्चिम बंगाल
77. बाथुआरी शाखा	ग्राम एवं डाकघर-बाथुआरी, थाना-एग्रा, जिला-मिदनापुर, पश्चिम बंगाल, पिन-721422	91. रामकानाली शाखा	ग्राम एवं डाकघर-रामकानाली, जिला-पुरुलिया, पश्चिम बंगाल पिन-723121
78. बुलचन्द्रपुर शाखा	ग्राम-बुलचन्द्रपुर, थाना-रैना, डाकघर-पैन्टा, जिला-बर्दवान, पश्चिम बंगाल	92. समग्राम शाखा	डाकघर-ब्रोगरा, बरास्ता-देवचंदनगर, जिला-बर्दवान, पश्चिम बंगाल, पिन-713332

बैंक ऑफ इंडिया

राजभाषा नियम 10(4) के अन्तर्गत
अधिसूचीकरण हेतु शाखाओं/कार्यालय की सूची

'क' क्षेत्र

अनुलग्नक-1

बैंक ऑफ इंडिया

स्टाफ प्रशिक्षण महाविद्यालय

सावित्री, बी-32

सेक्टर-62, नोएडा,

जिला-गौतम बुद्ध नगर,

उत्तर प्रदेश-201 301

बैंक ऑफ महाराष्ट्र

(केन्द्रीय कार्यालय : 'लोकमंगल', 1501,
शिवाजीनगर, पुणे-411 005)

'क' क्षेत्र

- सुरात लोक, गुडगांव शाखा,
बैंक ऑफ महाराष्ट्र,
जीएफ-01, एफजी-02, टाइम्स स्केअर,
बी-ब्लॉक, सेक्टर रोड, सुरात लोक,
गुडगांव (दक्षिण), जिला गुडगांव दक्षिण,
हरियाणा-122 109
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बैंक ऑफ महाराष्ट्र,
हॉल एफ-1, पहली मंजिल, प्लॉट क्र. 6,
पॉकेट-बी, सेक्टर-12, द्वारका,
नई दिल्ली-110 075
- सिगरा चारणसी शाखा,
बैंक ऑफ महाराष्ट्र,
डी-58/12, ए-3, गांधी नगर, सिगरा,
जिला चारणसी-221 010
- सिविल लाइन्स इलाहाबाद शाखा,
बैंक ऑफ महाराष्ट्र,
24/28, सरोजिनी नायडू मार्ग, सिविल लाइन्स,
इलाहाबाद (यू.पी.),
उत्तर प्रदेश-211 001
- हापुड शाखा,
बैंक ऑफ महाराष्ट्र,
सीमागंज 507, रेलवे रोड,
हापुड, जिला गाजियाबाद-245 101
- ग्रेटर नोएडा शाखा,
बैंक ऑफ महाराष्ट्र,
एस.एल. टॉवर, शॉप क्र. 3, अल्फा-1,
प्लॉट क्र. बी-3, कमर्शियल बेल्ट,
सेक्टर अल्फा ग्रेटर नोएडा,
जिला गौतम बुद्ध नगर-201 308

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- गांधीधाम शाखा,
बैंक ऑफ महाराष्ट्र,
प्लॉट क्र. 334, वार्ड क्र. 12-बी,
आशीर्वाद कॉम्प्लेक्स,
गांधीधाम-370 201
- सेक्टर-45, चंडीगढ़ शाखा,
बैंक ऑफ महाराष्ट्र,
एससीओ-121-122, सेक्टर-45,
चंडीगढ़-160 047
- मोगा शाखा,
बैंक ऑफ महाराष्ट्र,
इंडियन पेट्रोल पंप के पास,
जी.टी. रोड (लुधियाना साइड),
मोगा पंजाब-142 001
- आई.सी. कॉलोनी बोरीवली (पश्चिम) शाखा,
बैंक ऑफ महाराष्ट्र,
सीटीएस क्र. 1054, तल मंजिल,
जो-ग्रेंजेल, होली क्रॉस रोड,
आई.सी. कॉलोनी, बोरीवली (पश्चिम),
मुम्बई-400 103
- रामराव आदिक कॉलेज ऑफ इंजीनियरिंग शाखा,
बैंक ऑफ महाराष्ट्र,
रामराव आदिक कॉलेज ऑफ इंजीनियरिंग सीबीडी
बेलापुर, सेक्टर क्र. 4, नई मुम्बई-400 614
- कल्याण-मुरबाड, बायपास, खडकपाडा शाखा,
बैंक ऑफ महाराष्ट्र, तल मंजिल, ए विंग,
वर्णा पार्क, वायले नगर, खडकपाडा,
कल्याण, मुरबाड, बायपास,
कल्याण (पश्चिम), जिला-ठाणे-421 301
- घोड़बंदर रोड ठाणे शाखा,
बैंक ऑफ महाराष्ट्र, शॉप क्र. 8 व 9,
लॉकिन्स इंडस्ट्रीज के सामने,
घोड़बंदर रोड, ठाणे (पश्चिम)-400 607

विजया बैंक

प्रधान कार्यालय, बेंगलूर

- विजया बैंक
मुद्रा कोष,
नेट्टूर-9621
93-डी, एन.एच. 47 बाय पास,
आई एन टी यू सी जक्शन,
नेट्टूर-682 304
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- विजया बैंक
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'अपूर्व संकीर्णा' भू-तल
दबे पुन्नूर-574202
द.क. जिला

- 3 विजया बैंक,
मुद्रा कोष जयपुर-9623
सांगी ठपासना टावर,
सी-98, सुभाष मार्ग 'सी' स्कीम,
जयपुर-302001
- 4 विजया बैंक,
मोतिलाल नेहरू क्षेत्रीय इंजीनियरिंग
कॉलेज शाखा, तेल्लीयारगंज,
इलाहाबाद-211 004, उ.प्र.

आंध्रा बैंक

नियम 10.4 के अधीन अधिसूचित
की जाने वाली शाखाओं के पते :—

1. आन्ध्रा बैंक,
एच.डी.जी.एस. कॉलेज शाखा,
म.नं. 5-4-3, नारेप्पानगर,
हिन्दूपुर, अनन्तपुर जिला-515 202
2. आन्ध्रा बैंक,
मेदुगुड्डा शाखा,
म.नं. 8-6-241,
पद्मावती कॉलोनी, मेदुगुड्डा,
महबूबनगर जिला,
आन्ध्र प्रदेश
3. आन्ध्रा बैंक,
कोत्तूर शाखा,
पिंजर्ला रोड,
महबूब नगर जिला,
आन्ध्र प्रदेश
4. आन्ध्रा बैंक,
नंद्याल शाखा,
म.नं. 87/1137-3,
पहली मंजिल, मैडम कॉम्प्लेक्स,
नंद्याल रोड,
आन्ध्र प्रदेश-518 002
5. आन्ध्रा बैंक,
रायचोटी शाखा,
रायचोटी,
कड्डप्पा जिला,
आन्ध्र प्रदेश-516269

यूनियन बैंक ऑफ इंडिया

राजभाषा कार्यान्वयन प्रभाग, केन्द्रीय कार्यालय, मुम्बई

राजभाषा नियम 10(4) में अधिसूचनार्थ संस्तुत
शाखाएं/कार्यालय

क्षेत्रीय कार्यालय, जयपुर

1. यूनियन बैंक ऑफ इंडिया,
वैशाली नगर शाखा,
डी-344, हनुमान नगर,
आम्रपाली मार्ग, वैशाली नगर,
जयपुर-302 021

क्षेत्रीय कार्यालय, रांची

2. यूनियन बैंक ऑफ इंडिया,
रामगढ़ बैंक शाखा,
झन्डा चौक, राष्ट्रीय राजमार्ग-33,
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जिला हजारीबाग, झारखंड

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3. यूनियन बैंक ऑफ इंडिया,
नरवाना शाखा,
दलीप चन्द मार्किट, नजदीक
अपोलो चौक, नरवाना,
जिला-जीन्द-126 416
4. यूनियन बैंक ऑफ इंडिया,
हुड्डा आफिस सोनीपत शाखा,
दिल्ली रोड, सेक्टर 14 सोनीपत-131 001
5. यूनियन बैंक ऑफ इंडिया,
सेवा शाखा चंडीगढ़,
सेक्टर-17, बी, बैंक स्कवेयर,
एस.सी.ओ. 64-65, द्वितीय तल,
चंडीगढ़-160017

क्षेत्रीय कार्यालय, ठाणे

6. यूनियन बैंक ऑफ इंडिया,
अलीबाग शाखा,
सिद्धिविनायक कॉ.हा.सो.लि.,
तल मंजिल, ब्राह्मण आली,
सिद्धिविनायक मंदिर के पीछे,
पोस्ट-अलीबाग, जिला-रायगढ़-402 201

क्षेत्रीय कार्यालय, पुणे

7. यूनियन बैंक ऑफ इंडिया,
औंध शाखा,
शॉप क्र. 3 एवं 4, कल्पतरू एन्क्लेव,
होटल शिवसागर के सामने,
डी.पी. रोड, औंध,
पुणे-411 007

क्षेत्रीय कार्यालय, जालंधर

8. यूनियन बैंक ऑफ इंडिया,
बी ब्लॉक, डिस्ट्रिक्ट शॉपिंग कॉम्प्लेक्स,
एस.सी.ओ. 21, हेमकुन्ट बिल्डिंग,
रंजीत एवेन्यू, अमृतसर-143001
(पंजाब)
9. यूनियन बैंक ऑफ इंडिया,
514, जी टी रोड,
मंडी, गुरुदासपुर-143 521
(पंजाब)
10. यूनियन बैंक ऑफ इंडिया,
एस.सी.ओ. 31, शॉपिंग कॉम्प्लेक्स,
अर्बन इस्टेट, फेज-II,
जालंधर-144 022
(पंजाब)

क्षेत्रीय कार्यालय, भुवनेश्वर

11. यूनिजन बैंक ऑफ इंडिया,
बैंकमाल शाखा,
मीना बाजार, जगन्नाथ रोड,
बैंकमाल-759 001
ओड़िशा
12. यूनिजन बैंक ऑफ इंडिया,
सेवा शाखा, भुवनेश्वर,
102, जगन्नाथ,
भुवनेश्वर-751 001
ओड़िशा
13. यूनिजन बैंक ऑफ इंडिया,
बारिपदा शाखा,
लाल बाजार, बारिपदा,
जिला-मयूरभंज-757 001
ओड़िशा

क्षेत्रीय कार्यालय, लखनऊ

14. यूनिजन बैंक ऑफ इंडिया,
शिया डिग्री कॉलेज शाखा,
सिंघल मार्केट कॉम्प्लेक्स अलीगंज,
रेलवे क्रॉसिंग के सामने,
ब्रह्म नगर, सीतापुर रोड,
लखनऊ, उत्तर प्रदेश

इंडियन बैंक

नियम 10(4) के अंतर्गत भारत सरकार के राजपत्र में
अधिसूचित कराई जाने वाली इंडियन बैंक की
शाखाओं/कार्यालयों की सूची
राज्य/संघ राज्य क्षेत्र—आंध्र प्रदेश

1. इंडियन बैंक,
141, दुर्गा कॉम्प्लेक्स,
पंडरिपुरम, जी टी रोड,
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2. इंडियन बैंक,
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3. इंडियन बैंक,
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4. इंडियन बैंक,
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5. इंडियन बैंक,
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6. इंडियन बैंक,
एमएम पाडु,
23-24-1, ब्रामिधाह पंगुलू स्ट्रीट,
मुखासा मुत्तियालमपाडु,
विजयवाड़ा, कृष्णा जिला,
आंध्र प्रदेश-520 011
7. मन्डवल्ली,
डोर सं. 7-134, मेन रोड,
मन्डवल्ली,
कृष्णा जिला,
आंध्र प्रदेश, 521 345
8. इंडियन बैंक,
डोर सं. 2-57, मेन रोड,
ब्रह्मनवल्ली,
माछवरम,
गुंटूर जिला,
आंध्र प्रदेश-522 437
9. इंडियन बैंक,
6/1/211/212 मेन रोड,
नरसारावपेट,
गुंटूर जिला,
आंध्र प्रदेश-522 601
10. इंडियन बैंक,
9/7, मेन रोड,
पेंदाकल्लेपल्ली,
कृष्णा जिला,
आंध्र प्रदेश-521130
11. इंडियन बैंक,
सं. 29-19-78,
कालेश्वर राव रोड,
सूर्यरावपेट,
विजयवाड़ा, कृष्णा जिला,
आंध्र प्रदेश-520010
12. इंडियन बैंक,
सेवा शाखा (विजयवाड़ा),
26-7-16, गरिकापटिवारी स्ट्रीट,
गोंधीनगर,
विजयवाड़ा, कृष्णा जिला,
आंध्र प्रदेश-520 003
13. इंडियन बैंक,
पेडलंका मेन रोड,
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1. इंडियन बैंक,
ग्रेटर नोएडा शाखा,
प्रथम तल, एस-7,
गामा शॉपिंग माल,
सेक्टर गामा-1,
सूरजपुर खांसा रोड,
ग्रेटर नोएडा-201 301
उत्तर प्रदेश
2. इंडियन बैंक,
नोएडा शाखा,
डी-41, सेक्टर-59,
नोएडा-201 307,
गौतम बुद्ध नगर जिला,
उत्तर प्रदेश
3. इंडियन बैंक,
इन्दिरा नगर शाखा,
बी-1316,
साई प्लाजा,
बी-ब्लॉक क्रॉसिंग,
इन्दिरा नगर,
लखनऊ-226016
उत्तर प्रदेश

राजभाषा नियम, 1976 के उप-नियम 10(4) के अंतर्गत शाखा को अधिसूचित करवाना**दमण शाखा**

1. शाखा प्रबंधक,
स्टेट बैंक ऑफ सौराष्ट्र,
भथेला एन्टरप्राइज कामर्सियल सेन्टर,
सी-फेस रोड,
नानी दमण-396 210

स्टेट बैंक ऑफ हैदराबाद

1. मुख्य प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
राजमंड्री मुख्य शाखा,
राजमंड्री-533 101
जिला-पूर्व गोदावरी,
(आंध्र प्रदेश)
2. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
एम सी कॉम्प्लेक्स शाखा,
विशाखापट्टणम-530 020
(आंध्र प्रदेश)
3. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
माचवरम शाखा,
माचवरम-533 214
जि-पूर्व गोदावरी
(आंध्र प्रदेश)

4. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
जंगारेड्डीगुडेम शाखा,
जंगारेड्डीगुडेम-534 447,
जि-पश्चिम गोदावरी,
(आंध्र प्रदेश)
5. मुख्य प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
पटमलंका शाखा,
विजयवाड़ा-520 010
जिला-कृष्णा,
(आंध्र प्रदेश)
6. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
रावुलापालेम शाखा,
रावुलापालेम-533 238,
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7. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
एलुरु शाखा,
एलुरु-534 001
जि-पश्चिम गोदावरी
(आंध्रप्रदेश)
8. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
चुचुकोंडा शाखा,
चुचुकोंडा-531 005
जि-विशाखापट्टणम
(आंध्रप्रदेश)
9. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
पीएमपालेम शाखा,
विशाखापट्टणम-530 041
(आंध्रप्रदेश)
10. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
एमवीपालेम शाखा,
विशाखापट्टणम-530 017
(आंध्रप्रदेश)
11. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
कंदुकुरु शाखा,
कंदुकुरु-523 105
जि-प्रकाशम (आंध्रप्रदेश)
12. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
मोगलराजपुरम शाखा,
विजयवाड़ा-520 010
जि-कृष्णा (आंध्रप्रदेश)

13. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
पीएण्डएसबी शाखा,
चिशाखपुर-520 013
(आंध्र प्रदेश)

14. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
तृतीय सेक्टर/मिनर सख्त,
काकिनाड़ा-533 005
जिला-पूर्व गोदावरी
(आंध्र प्रदेश)

15. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
काकिनाड़ा मुख्य शाखा,
काकिनाड़ा-533 001
जिला-पूर्व गोदावरी
(आंध्र प्रदेश)

16. सहायक प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
सेक्रेटरी कार्यालय,
चिशाखपुर-520 010
जिला-कुर्नाल
(आंध्र प्रदेश)

17. शाखा प्रबंधक,
स्टेट बैंक ऑफ हैदराबाद,
टांगुलुका शाखा,
टांगुलुका-523 274
जिला-प्रकाशम
(आंध्र प्रदेश)

राज्य कार्यालय का मुख्यालय

स्टेट बैंक ऑफ़, राजनगरी,
राज्य कार्यालय,
वेस्ट ब्लॉक नं. 2704,
पूनापुर पी.ओ.
चिशाखपुर-695 012
केरल।

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 29th March, 2006

S.O. 1295.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use of official purposes of the Union) Rules, 1976 the Central Government, hereby notifies

the listed offices/branches of the following Banks/Financial Institutions in the attached annexure, more than 80% of the staff whereof have acquired the working knowledge of Hindi :—

Sl. No.	Name of the Banks	Number of Offices/ Branches
1.	State Bank of Bikaner & Jaipur	07
2.	State Bank of India	02
3.	Punjab National Bank	14
4.	Bank of India	93
5.	Bank of Maharashtra	13
6.	Vijaya Bank	04
7.	Andhra Bank	05
8.	Union Bank of India	14
9.	Indian Bank	16
10.	State Bank of Saurashtra	01
11.	State Bank of Hyderabad	17
12.	State Bank of Travancore (HO)	01
Total		187

[F.No. 11016/1/2006-Hindi]

REMESH BABU ANTYERY, Jt Director (OL)

ANNEXURE

**STATE BANK OF BIKANER AND JAIPUR
HEAD OFFICE**

JAIPUR

Office to be notified in the Official Gazette under Rule 10 (4) of Official Language Rules, 1976.

CENTRAL SPINE, VIDYADHAR NAGAR, JAIPUR

Address :—

1. Central Spine,
Vidyadhar Nagar,
Jaipur

PISANGAN

Address :—

- 2 Pisangan
Distt. Ajmer

ZONAL OFFICE, MUMBAI

Address :—

3. Zonal Office,
746, Sabbarwal House,
P.D. Hinduja Marg, Khar (W),
Mumbai-400052

MOHALI

Address :—

4. S.C.F. 4-5,
Sector-65
Mohali-160062

PANCHKULA

Address :—

5. S.C.O. 47,
Sector 11,
Panchkula

STATIONERY DEPOT, NARAYANA PHASE-1, NEW DELHI

Address :—

6. Stationery Depot,
42, Community Centre,
Narayana Phase-I
New Delhi-110028

DWARKA, NEW DELHI

Address :—

7. First Floor,
Plot No. 2, Ashirwad Chowk,
Sector 12, Dwarka, New Delhi

**"LIST OF OFFICES/BRANCHES WHICH HAS TO BE
NOTIFIED UNDER RULE 10(4) OF OFFICIAL
LANGUAGE RULES, 1976"**

1. State Bank of India,
Kasaragod Branch,
Krishna Buildings,
Bank Road,
Kasaragod-671121
2. State Bank of India,
Local Head Office,
North-Eastern Circle,
A.T. Road, Bharalumukh,
Guwahati (Assam),
Pin-781009.

Sd/-

General Manager

PUNJAB NATIONAL BANK

**Notification of Offices under Rule 10(4) of the Official
Language Rules 1976**

Details of the offices to be notified

1. Punjab National Bank,
Branch Office,
Amirakadal,
Srinagar (J&K)-190001
2. Punjab National Bank,
Branch Office : Keylong,
District : Lahaul & Spiti (Himachal Pradesh)
Pin-175 132
3. Punjab National Bank,
Zonal Audit Office,
Simla,
Camp Office, ZAO Panchkula,
SCO 71, Sector-5,
Panchkula-134109
4. Punjab National Bank,
Zonal Audit Office,
1st Floor, PNB House-2,
Nehru Place, Tonk Road,
Jaipur-302015
5. Punjab National Bank,
Zonal Audit Office,
R Block, Chanakya Place,
Patna-800001.
6. Punjab National Bank,
Zonal Audit Office,
E K Road,
Meerut-250001.
7. Punjab National Bank,
Zonal Audit Office,
Sanjay Complex,
Agra.
8. Punjab National Bank,
Zonal Audit Office,
Jawahar Bhawan, Roshanpura,
Naka, Bhopal-462 003.
9. Jorhat, A.T. Road, Jorhat,
Distt. & P.O. Jorhat,
Assam.
10. Joo Road, Guwahati, Distt. Kamrup,
Assam.
11. Irrilbung, Kagba Ayangpali Road,
P.O. Imphal, (E)-II,
Manipur.
12. Imphal, Thangal Bazar, P.O. Imphal,
Kanipur Central,
Manipur-795 001
13. Silchar, P.O. Silchar,
Distt. Cachhar, Assam-788001.
14. Agartala, 4, Mantribari Road,
P.O. Agartala,
Distt. West Tripura,
Tripura-799 001.

Annexure-1

Bank of India
List of Branches for notification

under Rule 10(4) Official Language Act, 1976

“A” Region**Jabalpur Zone**

1. Pachpedi Naka Br,
Reena Appartment,
Patwa Building, Pachpedi Naka,
Raipur, Chattisgarh
2. Vyapar Vihar Br
Vyapar Vihar Main Rd,
Near Hotel Raman, Bilaspur
3. Devendra Nagar Br
I.G.P.V.P. Complex,
Devendra Nagar, Raipur

Indore Zone

4. Indore Vijay Nagar Br
GF-A. Scheme No. 54,
Near SICA School, Main Road,
Vijay Nagar, Indore,
Madhya Pradesh-452010

Ghaziabad Zone

5. Pratap Vihar Br
12. GMP, Sector-12,
Pratap Vihar, Ghaziabad,
Uttar Pradesh-201009
6. Rajpur Road (Dehradun) Br
Jaswant Senior Secondary School
Rajpur Road, Dehradun,
Uttaranchal-248009
7. Kashipur Br
Station Road, Mageshpura,
Kashipur, Dist-Uttaranchal-244713
8. Haridwar Br
Jagadamba Niwas, Devpura,
Delhi Road, Haridwar
Uttaranchal-249401
9. Roorki Br
657/2, Sriram Palace,
Near Malvia Chowk,
Dehradun Road Roorki,
Dist-Haridwar-247667

Rajasthan Zone

10. Pali Br
Chanderlok, Near Manthan Cinema,
Railway Station Road, Pali,
Marwar (Rajasthan)
11. Jhotwara I.A. Br
9(4) Jhotwara I.A.
(Rajasthan)
12. Jhunjhunu Br
Road No. 1, Opp B.D.K. Hospital,
Jhunjhunu-333001
(Rajasthan)

13. Churu Br
Indermani Niwas,
Ward No. 18, Station Road,
Churu-331001

Patna Zone

14. Ordnance Factory Nalanda,
Rajgir Br
Ordnance Factory Nalanda,
Village Hansrajpur, Rajgir,
Dist-Nalanda, Bihar-803116
15. Kankarbagh Br
Parmanand Palace,
Panchmandir Road, Kankarbagh,
Patna, Bihar-800020

Agra Zone

16. Mahamayanagar (Hathras) Br
Opp. Hathras Gate Police Station,
Aligarh Road, Hathras,
Uttar Pradesh-204101

Bhopal Zone

17. Hoshangabad Br
Fauzdar Bhawan, Balaganj,
Sat Rasta, Hoshangabad,
Dist-Hoshangabad,
Madhya Pradesh-464001

Bhagalpur Zone

18. Dumka Br
Uttamanand Complex,
Dumka, Dist-Dumka,
Jharkhand-814101

Varanasi Zone

19. Allahabad Service Br
8/H/1A/Sangam Place,
Clive Road, Civil Lines,
Allahabad, Dist-Allahabad,
Uttar Pradesh
20. Rae Bareli Br
H.No. 920, 1st Floor,
Lodhwari Building,
Near Firoz Gandhi Degree College,
Chauraha, Civil Lines,
Rae Bareli, Uttar Pradesh-229001
21. Basti Br
Shivam Complex, 1st Floor,
Rameshwarpuri, Gandhinagar,
Basti, Uttar Pradesh-272001

“B” Region**Raigad-Thane Zone**

22. Kalyan (East) Br
Shiv Durga Sadan,
Survey No. 58A, Hissa No. 9,
Katemanivali, Kalyan (East),
Dist. Thane, Maharashtra-421306

Ahmedabad Zone

23. Thaltej Br
Sahajanand Complex,
Opp. Bhaikakanagar Bus Stand,
Thaltej, Ahmedabad-380059

24. Vastrapur Br
Hirak Avenue, Opp. Vastrapur Lake,
Vastrapur, Ahmedabad

Chandigarh Zone

25. Panchkula, Sector-20 Br
S.C.O. No. 290, Sector 20,
Panchkula, Dist-Panchkula,
Haryana
26. Solan Br
Bhakru Complex, Raigarh Road,
Near D.C. Office, Solan, Dist-Solan,
Himachal Pradesh
27. Baddi Br
Fauji Complex, Sai Road,
Baddi, Tehsil Nalagarh,
Dist-Solan,
Himachal Pradesh

Kolhapur Zone

28. Kolhapur Service Br
1519, C, Jai-Dhaval Laxmipuri,
Kolhapur, Dist-Kolhapur,
Maharashtra

Solapur Zone

29. Siddeshwar Market Br
Siddheshwar Market, Block No. 1,
Lokhandwala Complex,
98 C, Ravivar Peth, Hyderabad Rd,
Near Market Yard, Solapur-413003

Mumbai North Zone

30. Link Road, Malad, (West) Br
Keshav Shrushti, Link Road,
Malad (West),
Mumbai-400064

"C" Region**Karnataka Zone**

31. Bangalore Asset Recovery Br
No. 11, Bank of India Mahal,
Lempegowda Road, Bangalore,
Karnataka-560009
32. R.T. Nagar C&P Br
No. 400, 2nd Main, 1st Block,
R.T. Nagar, Bangalore,
Karnataka-560032

Coimbatore Zone

33. Coimbatore Zone
324 Oppanakara Street,
Coimbatore-641001
34. S.S. Colony Br
Old No. 72/New No. 128,
Bye-Pass Road, A.V.A.R Plaza,
Ponmeni. S.S. Colony, Madurai-625010
35. Iyer Bungalow Br
Jaya Complex,
2/1121, New Natham Road,
Iyer Bungalow,
Madurai-625014

Hyderabad Zone

36. Film Nagar Br
Plot No. 1, Road No. 76,
Film Nagar, Jubilee Hills (Phase-III),
Hyderabad, A.P.-500033

Bhubaneswar Zone

37. Jayadev Vihar Br
1/1D, Jayadev Vihar, Bhubaneswar,
Orissa-751015
38. Narla Br
At & Post-Narla,
Dist-Kalahandi,
Orissa-766100
39. Singipur Br
At & Post-Singipur,
Dist-Khurda,
Orissa-752021

Kolkata Zone

40. Asset Recovery Br
5, B.T.M., Sarani, Kolkata-700001
41. Ballygunge Circular Road Br
67/B, Ballygunge Circular Road, Kolkata-700019
42. Bangur Avenue Br
87, Bangur Avenue, Block-A, Kolkata-700055
43. Barabazar Br
210/212, Jamanalal Bajaj Street,
Kolkata-700007
44. C.I.T. New Road Br
Plot No. 12, Scheme No. 12,
C.I.T. New Road,
Kolkata-700014
45. Debendra Chandra
Dey Road Br Road,
105, Debendra Chandra Dey
Kolkata-700015
46. Elliot Road Br
108/A, Elliot Road,
Kolkata-700016
47. Garia Br
P-138, Raja Subhash Chandra
Mallick Road, Kanungo Park, Garia,
Kolkata-700084
48. Kamarhatty Br
36-A, Barrackpore Trunk Road,
Kolkata-700056
49. Kolkata Overseas Br
Security House, 1st Floor,
23-B, Netaji Subhash Chandra
Road, Kolkata-700001
50. Military Camp Ballygunge Br
Paramount Apartment,
1st Floor, Kolkata-700019
51. Rash Behari Avenue Br
161/3, Rash Behari Avenue,
Kolkata-700019
52. Sarat Bose Road Br
26, Sarat Bose Road,
Kolkata-700020

53. Shyam Bazar Br
140/1, Bidhan Sarani,
Shyam Bazar,
Kolkata-700004
54. Ultadanga Br
Ultadanga Main Road,
Kolkata-700067
55. Chakdah Br
Chakdah Bongaon Road,
Chakdah, Dist-Nadia,
West Bengal-741222
56. Abantipur Br
Village-Abantipur,
P.O. -Mondal Para,
Via Shyamnagar,
Dist. North 24 Parganas,
West Bengal-743127
57. Anandpuri Br
199, Barasat Road,
Post-Nona Chandanpukur,
Dist-North 24 Parganas,
West Bengal-700122
58. Badarhat Br
Village-Badarhat,
P.O. Prithiba
Dist-North 24 Parganas,
West Bengal-743127
59. Chandipur Br
Vill & P.O. Chandipur,
P.S. Baduria,
Dist-North 24 Parganas,
West Bengal-743247
60. Golabari Br
Aminpur Road, At & Post-Golabari Bazar,
Via-Barasat, Dist-North 24 Parganas,
West Bengal-743201
61. Jhinka Br
Vill Talra, P.O. Bhabla,
Dist-North 24 Parganas,
West Bengal-743422
62. Katiahat Br
At & P.O. Katiahat,
Dist-North 24 Parganas,
West Bengal
63. Kholapota Br
At & P.O. Kholapota,
Dist-North 24 Parganas,
West Bengal-743428
64. Pifa Bazar Br
Vill. Pifa. Post-Pifa
Dist-North 24 Parganas,
West Bengal-743422
65. Rampur Br
Vill. Rampur Bazar, P.O. Rampur,
Via Canning Town,
Dist-North 24 Parganas,
West Bengal-743329
66. Bibirhat More Br
Vill., Sanjua, P.O. Bakhrat,
Dist-South 24 Parganas,
West Bengal-743377
67. Jaynagar Majilpur Br. 207, Kulpi Road, Jaynagar,
P.O. Jaynagar majilpur,
Dist-South 24 Parganas,
West Bengal-743339
68. Kashinagar Br
At & Post -Kashinagar,
Dist-South 24 Parganas,
West Bengal-743349
69. Noorpur Br
Vill & Post Noorpur
Dist-South 24 Parganas,
West Bengal
70. Srikrishnanagar Br
Vill & Post Srikrishnanagar,
Dist-South 24 Parganas,
West Bengal-743372
71. Tardah Bazar Br
Vill & Post Tardah,
Dist-South 24 Parganas,
West Bengal-743330.
- Howrah Zone**
72. Ghosuri Branch
114, Naskarpara Road,
Howrah,
West Bengal-711107.
73. Manikpir Branch
P.O. Ban Harishpur
Distt. Howrah,
West Bengal-711322.
74. Sasati Branch
Village & Post - Sasati
Distt. Howrah,
West Bengal-711326.
75. Beraberi Branch
Village & P.O. Beraberi
Distt. Hooghly,
West Bengal-712459.
76. Kanraria Branch
Prakash Bhawan,
Village-Kanraria,
P.O. Keshab chowk,
Via Tarkeswar,
Distt. Hooghly,
West Bengal-712410.
77. Bathuary Branch
At & Post - Bathuary
P.S. Egra. Distt. Midnapore,
West Bengal-721422.
78. Bulchandrapur Branch
Village-Bulchandrapur,
P.S. Raina. Post-Painta.
Distt. Burdwan,
West Bengal.

79. Charkhi Branch
Village-Charkhi
Post-Billeswar.
Via-Srikhanda,
Distt. Burdwan,
West Bengal-713150.
80. Dogachia Branch
Village-Dogachia
Post-Jaugram,
Distt. Burdwan,
West Bengal.
81. Jhapandanga Branch
Village-Jhapandanga
Post-Abujhati,
Distt. Burdwan
West Bengal.
82. Mithani Branch
At & Post-Mithani
Distt. Burdwan
West Bengal-713359.
83. Nawabhat Branch
G.T. Road, Post-Fagupur,
P.S. Sadar,
Distt. Burdwan
West Bengal.
84. Nepakuli Branch
Village-Nepakuli,
Post-Godannada,
P.S. Kalna
Distt. Burdwan
West Bengal.
85. Palsit Branch
Village-Palsit, Post-Bhaita
Distt. Burdwan
West Bengal-713408.
86. Raniganj Branch
Anand Bhawan,
Mahatma Gandhi Road, Raniganj,
Distt. Burdwan
West Bengal-713347.
87. Sahapur Branch
Village-Sahapur
Post-Parbatpur,
P.S. Jamalpur,
Distt. Burdwan
West Bengal.
88. Sanktia Branch
Village & Post-Sanktia,
Distt. Burdwan,
West Bengal-713408.
89. Satgachi Branch
Post-Satgachi,
Distt. Burdwan,
West Bengal
90. Shyamsunder Branch
Village & Post-Shyamsunder
Distt. Burdwan,
West Bengal.

91. Ramkanali Branch
Village & Post-Ramkanali,
Distt. Purulia,
West Bengal-723121.
92. Satagram Branch
Post-Bogra.
Via.-Devchandnagar.
Distt. Burdwan,
West Bengal-713332.
93. Bank of India
Staff Training College
Sandipani, B-32
Sector-62
Noida-Distt. Gautambuddhanagar
Uttar-Pradesh-201301.

BANK OF MAHARASHTRA

(Central Office : "Lokmanya", 1901, Shivajinagar,
Pune-411005)

"A" Region

1. Sushant Lok, Gurgaon Branch,
Bank of Maharashtra,
GF-01, FG-02, Times Square,
B-Block, Sector Road, Sushant Lok,
Gurgaon (South), Dist. Gurgaon (South),
Haryana-122109.
2. Dwarka (West), New Delhi Branch,
Bank of Maharashtra,
Hall F-1, First Floor, Plot No. 6,
Pocket-V, Sector-12, Dwarka,
New Delhi-110075.
3. Siga Varanasi Branch,
Bank of Maharashtra,
D-58/12, A-3, Gandhi Nagar,
Siga, Dist. Varanasi-221010
4. Civil Lines Allahabad Branch,
Bank of Maharashtra,
24/28, Sarojini Naidu Marg, Civil Lines,
Allahabad (U.P.),
Uttar Pradesh-211001
5. Hapur Branch,
Bank of Maharashtra,
Sitaganj, 507, Railway Road,
Hapur, Dist. Gaziabad-245101.
6. Greater Noida Branch,
Bank of Maharashtra,
S.L. Tower, Shop No. 3, Alpha-I,
Plot No. B-3, Commercial Belt,
Sector Alpha, Greater Noida,
Dist. Gautambuddha Nagar-201308.

"B" Region

7. Gandhidham Branch,
Bank of Maharashtra,
Plot No. 334,
Ward No. 12-B, Ashirwad Complex,
Gandhidham-370201.
8. Sector-45, Chandigarh Branch,
Bank of Maharashtra,
SCO-121-122,
Sector-45, Chandigarh-160047.

9. Moga Branch,
Bank of Maharashtra,
Near Indian Petrol Pump,
G. T. Road (Ludhiana Side),
Moga, Punjab-142001.
10. I.C. Colony, Borivali (West) Mumbai Branch,
Bank of Maharashtra,
CTS No. 1054, Ground Floor, Jo-Grazel,
Holy Cross Road, I.C. Colony, Borivali (West),
Mumbai-400103.
11. Ramrao Adik College of Engineering Branch,
Bank of Maharashtra,
Ramrao Adik College of Engineering C.B.D. Belapur,
Sector No. 4, New Mumbai-400614.
12. Kalyan-Murbad, Bypass, Khadakpada Branch,
Bank of Maharashtra,
Ground Floor, A Wing, Varsha Park,
Wayale Nagar, Khadakpada,
Kalyan-Murbad, Bypass, Kalyan (West),
Dist. Thane 5421301
13. Ghodbunder Road Thane Branch,
Bank of Maharashtra,
Shop Nos. 8 & 9, Opp. Lawkins Industries,
Ghodbunder Road,
Thane (West)-400607.

**VIJAYA BANK
HEAD OFFICE
BANGALORE**

1. Vijaya Bank,
Currency Chest,
Nettoor-9621,
93-D, N.H. 47 Bypass,
INTUC Junction,
Nethoor-682304
Ernakulam Dist.
2. Vijaya Bank,
Currency Chest,
Puttur-9622
'Apoorva Sankeema
Ground Floor
Darbe Puttur-574202,
D.K. Dist.
3. Vijaya Bank,
Currency Chest,
Jaipur-9623,
Sanghi Upasna Tower,
C-98, Subhash Marg 'C' Scheme,
Jaipur-302001.
4. Vijaya Bank,
Motilal Nehru Regional Engg. College Branch,
Telliyanj,
Allahabad-211004 U.P.

Addresses of the branches to be notified under rule 10(4).

1. Andhra Bank,
H.D.G.S. College Branch,
D. No. 5-4-3
Nareppanagar,
Hindupur,
Anantapur Dist. 515202.

2. Andhra Bank,
Mettugadda Branch,
D. No. 8-6-241,
Padmavathi Colony,
Mettugadda,
Mahboobnagar Dist.
Andhra Pradesh.
3. Andhra Bank,
Kottur Branch,
Pinjerla Road,
Mahboobnagar Dist.
Andhra Pradesh.
4. Andhra Bank,
Nandyal Branch,
H.N.87/1137-3,
First Floor,
Madam Complex,
Nandyal Road,
Andhra Pradesh.
5. Andhra Bank,
Rayachoty Branch,
Rayachoty,
Cuddapah-516 269. (U.P.).

UNION BANK OF INDIA

**Official Language Implementaton Division, Central
Office, Mumbai**

**Branches/Offices recommended for notification under
Official Language Rule 10(4)**

Regional Office, Jaipur

1. Union Bank of India,
Vaishali Nagar Branch,
D-344, Hanuman Nagar,
Amrapali Marg,
Vaishali Nagar,
Jaipur-302021.

Regional Office, Ranchi

2. Union Bank of India,
Ramgarh Cantt. Branch,
Jhanda Chowk, NH 33,
Ramgarh-829122,
Distt.-Hazaribagh,
Jharkhand.

Regional Office, Chandigarh

3. Union Bank of India,
Narwana Branch,
Dalip Chand Market,
Near to Apolo Chowk,
Narwana, Distt.-Jind-126416.
4. Union Bank of India,
Hudda Office. Sonipat Branch,
Delhi Road, Sector-14,
Sonipat 131001.
5. Union Bank of India,
Service Branch Chandigarh,
Sector-17, B. Bank Square,
S.C.O., 64-65, Second Floor,
Chandigarh-160017.

Regional Office Thane

6. Union Bank of India,
Alibaug Branch,
Sidhivinayak Co. Op. Hsg. Soc. Ltd.,
Ground Floor, Brahman Ali,
Behind Sidhivinayak Temple,
Post-Alibaug, Dist.-Raigad-402201.

Regional Office, Pune

7. Union Bank of India,
Andhra Branch,
Shop Nos. 3 & 4,
Kalpataru Enclave,
Opp. Hotel Shivsagar,
DP Road Aundh,
Pin-411007.

Regional Office Jalandhar

8. Union Bank of India,
B-Block, District Shopping Complex,
SCO-21, Hemkunt Building,
Ranjit Avenue,
Amritsar-143001 (Punjab).
9. Union Bank of India,
514, G.T. Road,
Mandi, Gurdaspur-143521,
(Punjab).
10. Union Bank of India,
SCO-31, Sshopping Complex,
Urban Estate, Phase-II,
Jalandhar-144022.

Regional Office Bhubaneswar

11. Union Bank of India,
Dhenkanal Branch,
Meena Bazar, Jagannath Road,
Dhenkanal-759001
Orissa.
12. Union Bank of India,
Service Branch Bhubaneswar,
102, Janpath,
Bhubaneswar-751001, Orissa.
13. Union Bank of India,
Baripada Branch,
Lal Bazar, Baripada,
Distt.-Mayurbhanj-757001, Orissa.

Regional Office, Lucknow

14. Union Bank of India,
Shiya Degree College Branch,
Singhal Market Complex,
In front of Railway Crossing,
Brahma Nagar, Sitpaur Road,
Lucknow, Uttar Pradesh,
Pin-226008.

Indian Bank**State/Union Territory—Andhra Pradesh**

1. Indian Bank,
141A, Durga Complex,
Pandaripuram, G T Road,
Chilakaluripet,
Andhra Pradesh-522616.

2. Indian Bank,
Bank Street,
Chandralapadu,
Krishna Dist.,
Andhra Pradesh-521182.
3. Indian Bank,
N R Palem Road,
Chanubanda,
Krishna Dist.,
Andhra Pradesh-521214.
4. Indian Bank,
Door No. 1-109,
Kruthivennu
Krishna Dist.,
Andhra Pradesh-521382.
5. Indian Bank,
Main Road,
Kosuru,
Krishna Dist.,
Andhra Pradesh-521150.
6. Indian Bank,
23-24-1, Bramiah Pantulu St.,
Mukhasa Muthyalampadu,
Vijayawada, Krishna Dist.,
Andhra Pradesh-520011.
7. Indian Bank,
Door No. 7-134, Main Road,
Mandavalli,
Krishna Dist.,
Andhra Pradesh-521345.
8. Indian Bank,
Door No. 2-57, Main Road,
Brahmanapalli,
Machavaram,
Guntur Dist.,
Andhra Pradesh-522437.
9. Indian Bank,
6/1/211/212, Main Road,
Narasaraopet,
Guntur Dist.,
Andhra Pradesh-522601.
10. Indian Bank,
9/7, Main Road,
Pedakallepalli,
Krishna Dist.,
Andhra Pradesh-521130.
11. Indian Bank,
No. 29-19-78,
Kaleswara Rao Road,
Suryaraopet,
Vijayawada, Krishna Dist.,
Andhra Pradesh-520010.
12. Indian Bank,
Service Branch (Vijayawada),
26-7-16, Garikapativari St.,
Gandhinagar,
Vijayawada, Krishna Dist.,
Andhra Pradesh-520003.

13. Indian Bank,
Pedalanka Main Road,
Vadlamannadu,
Krishna Dist.,
Andhra Pradesh-521331.

State/Union Territory—Uttar Pradesh

14. Indian Bank,
Greater Noida Branch,
First Floor,
S-7, Gamma Shopping Mall,
Sector Gamma-1,
Surajpur Khansa Road,
Greater Noida-201301,
Uttar Pradesh.
15. Indian Bank,
Noida Branch,
D-41, Sector-59,
Noida-201307,
Gautam Budh Nagar Distt.,
Uttar Pradesh.
16. Indian Bank,
Indira Nagar Branch,
B-1316, Sai Plaza,
B-Block Crossing,
Indira Nagar,
Lucknow-226016,
Uttar Pradesh.

**Notification of the Branch under Rule 10(4) of OL
Rules, 1976**

Daman Branch

Branch Manager,
State Bank of Saurashtra,
Bhathela Enterprise Commercial Centre,
Sea Face Road,
Nani Daman-396210.

State Bank of Hyderabad

1. The Chief Manager,
State Bank of Hyderabad,
Rajahmundry Main Branch,
Rajahmundry-533101,
Distt. East Godavari,
(Andhra Pradesh).
2. The Branch Manager,
State Bank of Hyderabad,
M.C. Complex Branch,
Visakhapatnam-530020,
(Andhra Pradesh).
3. The Branch Manager,
State Bank of Hyderabad,
Machavaram Branch,
Machavaram-533214,
Distt. -East Godavari,
(Andhra Pradesh).
4. The Branch Manager,
State Bank of Hyderabad,
Jangareddygudem Branch,
Jangareddygudem-534447,
Distt. -West Godavari,
(Andhra Pradesh).
5. The Chief Manager,
State Bank of Hyderabad,
Patamatalanka Branch,
Vijayawada-520010,
Distt. -Krishna,
(Andhra Pradesh).
6. The Branch Manager,
State Bank of Hyderabad,
Ravulapalem Branch,
Ravulapalem-533238,
Distt. -East Godavari,
(Andhra Pradesh).
7. The Branch Manager,
State Bank of Hyderabad,
Eluru Branch,
Eluru-534001,
Distt. - West Godavari,
(Andhra Pradesh).
8. The Branch Manager,
State Bank of Hyderabad,
Chuchukonda Branch,
Chuchukonda, -531005,
Distt. -Visakhapatnam,
(Andhra Pradesh).
9. The Branch Manager,
State Bank of Hyderabad,
P.M. Palem Branch,
Visakhapatnam-530041,
(Andhra Pradesh).
10. The Branch Manager,
State Bank of Hyderabad,
M.V. Palem Branch,
Visakhapatnam-530017,
(Andhra Pradesh).
11. The Branch Manager,
State Bank of Hyderabad,
Kandukuru Branch,
Kandukuru Branch,
Distt. -Prakasham,
(Andhra Pradesh).
12. The Branch Manager,
State Bank of Hyderabad,
Mogalrajpuram Branch,
Vijayawada-520010,
Distt. -Krishna
(Andhra Pradesh).
13. The Branch Manager,
State Bank of Hyderabad,
P&SB Branch,
Visakhapatnam-530013,
(Andhra Pradesh).
14. The Branch Manager,
State Bank of Hyderabad,
Third Battalion Branch,
Kakinada-533005,
Distt. -East Godavari,
(Andhra Pradesh).

15. The Branch Manager,
State Bank of Hyderabad,
Kakinada Main Branch,
Kakinada-533001,
Distt.-East Godavari,
(Andhra Pradesh).
16. The Assistant General Manager,
State Bank of Hyderabad,
Regional Office,
Vijayawada-520010,
Distt.-Krishna,
(Andhra Pradesh).
17. The Branch Manager,
State Bank of Hyderabad,
Tanguturu Branch,
Tanguturu-523274,
Distt.-Prakasham,
(Andhra Pradesh).

State Bank of Travancore**Full Address of Head Office:**

State Bank of Travancore
Head Office
Post Box No. 2704
Poojappura P.O.
Thiruvananthapuram-695012
Kerala

नई दिल्ली, 29 मार्च, 2006

का.आ. 1296.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री जॉर्ज जोसेफ (जन्म तिथि : 26-4-1949) वर्तमान महाप्रबन्धक, केनरा बैंक को 1-4-2006 को या उसके बाद पद ग्रहण करने की तारीख से और उनकी अधिवासिता की आयु प्राप्त होने की तारीख यथा 30-4-2009 तक या अगला आदेश होने तक, जो भी पहले हो, सिंडिकेट बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[सं. 9/16/2006-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 29th March, 2006

S.O. 1296.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri George Joseph (DOB : 26-4-1949) presently General Manager, Canara Bank, as a whole time director (designated as the Executive Director) of Syndicate Bank from the date of his

taking charge of the post on or after 1-4-2006 and upto 30-4-2009, i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F.No.9/16/2006-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 29 मार्च, 2006

का.आ. 1297.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री सी. पी. स्वर्णकार (जन्म तिथि : 1-5-1948) वर्तमान कार्यपालक निदेशक, पंजाब नेशनल बैंक को 1-4-2006 को या उसके बाद पद ग्रहण करने की तारीख से 30-4-2008, जो उनकी अधिवासिता की तारीख है, तक या अगला आदेश होने तक, जो भी पहले हो, सिंडिकेट बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[सं. 9/12/2005-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 29th March, 2006

S.O. 1297.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri C. P. Swarnkar (DOB : 1-5-1948) presently Executive Director, Punjab National Bank, as Chairman and Managing Director, Syndicate Bank from the date of his taking charge of the post on or after 1-4-2006 and upto 30-4-2008, i.e. the date of his superannuation or until further orders, whichever is earlier.

[F.No. 9/12/2005-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 29 मार्च, 2006

का.आ. 1298.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री एम. एस. सुन्दरराजन (जन्मतिथि : 15-03-1950) वर्तमान महाप्रबन्धक, यूनियन बैंक आफ इंडिया को 01-04-2006 को या उसके बाद पद ग्रहण करने की तारीख से और उनकी अधिवासिता की आयु प्राप्त होने की तारीख यथा 31-03-2010 तक या अगला आदेश होने तक, जो भी पहले हो, इंडियन बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[सं. 9/10/2006-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 29th March, 2006

S.O. 1298.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri M.S. Sundararajan (DOB : 15-03-1950) presently General Manager, Union Bank of India, as a whole time director (designated as the Executive Director) of Indian Bank from the date of his taking charge on or after 01-04-2006 and upto 31-03-2010, i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F.No. 9/10/2006-BO-I]
G. B. SINGH, Under Secy.

नई दिल्ली, 29 मार्च, 2006

का.आ. 1299.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री टी. वलियप्पन (जन्मतिथि : 04-04-1948) वर्तमान महाप्रबन्धक, इंडियन बैंक को 01-04-2006 को या उसके बाद पद ग्रहण करने की तारीख से और उनकी अधिवर्षिता की आयु प्राप्त होने की तारीख यथा 30-04-2008 तक या अगला आदेश होने तक, जो भी पहले हो, विजया बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[सं. 9/13/2006-बीओ-1]
जी. बी. सिंह, अवर सचिव

New Delhi, the 29th March, 2006

S.O. 1297.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri T. Valliappan (DOB : 04-04-1948) presently General Manager, Indian Bank, as a whole time director (designated as the Executive Director) of Vijaya Bank from the date of his taking charge of the post on or after 01-04-2006 and upto 30-04-2008, i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F.No. 9/13/2006-BO-I]
G. B. SINGH, Under Secy.

नई दिल्ली, 29 मार्च, 2006

का.आ. 1300.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री के. रघुरामन (जन्मतिथि : 26-09-1948) वर्तमान महाप्रबन्धक, सेन्ट्रल बैंक आफ इंडिया को 01-04-2006 को या उसके बाद पद ग्रहण करने की तारीख से और उनकी अधिवर्षिता की आयु प्राप्त होने की तारीख यथा 30-09-2008 तक या अगला आदेश होने तक, जो भी पहले हो, पंजाब नेशनल बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[सं. 9/11/2006-बीओ-1]
जी. बी. सिंह, अवर सचिव

New Delhi, the 29th March, 2006

S.O. 1300.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri K. Raghuraman (DOB : 26-09-1948) presently General Manager, Central Bank of India, as a whole time director (designated as the Executive Director) of Punjab National Bank from the date of his taking charge of the post on or after 01-04-2006 and upto 30-09-2008, i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F.No. 9/11/2006-BO-I]
G. B. SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 27 मार्च, 2006

का.आ. —दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय दन्त चिकित्सा परिषद् के साथ परामर्श करने के पश्चात् एतद्वारा उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित संशोधन करती है, अर्थात् :—

2. राष्ट्रीय परीक्षा बोर्ड के संबंध में दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में क्रम सं. 57 के सामने कालम 2 एवं 3 की मौजूदा प्रविष्टियों के अन्तर्गत निम्नलिखित प्रविष्टियां रखी जाएगी :—

- | | |
|---|------------------------------------|
| (v) डीएनबी (ओरल पैथोलॉजी) | (v) डीएनबी (ओरल पैथोलॉजी) |
| (यदि 22 सितम्बर, 2005 को अथवा उसके बाद प्रदान की गई हो) | राष्ट्रीय परीक्षा बोर्ड, नई दिल्ली |

- | | |
|---|--|
| (vi) डीएनबी (सामुदायिक दन्त चिकित्सा) (यदि 19 नवम्बर, 2005 को अथवा उसके पश्चात् प्रदान की गई हो) | (vi) डीएनबी (सामुदायिक दन्त चिकित्सा) राष्ट्रीय परीक्षा बोर्ड, नई दिल्ली |
| (vii) डीएनबी (ओरल मेडिसिन एवं रेडियोलॉजी) (यदि 27 दिसम्बर, 2005 को अथवा उसके बाद प्रदान की गई हो) | (vii) डीएनबी (ओरल मेडिसिन एवं रेडियोलॉजी) राष्ट्रीय परीक्षा बोर्ड, नई दिल्ली |
| (viii) डीएनबी (पीरियडॉन्टिक्स) (यदि 27 सितम्बर, 2005 को अथवा उसके बाद प्रदान की गई हो) | (viii) डीएनबी (पीरियडॉन्टिक्स) राष्ट्रीय परीक्षा बोर्ड, नई दिल्ली |

[सं. वी.-12018/1/2006-डीई]

ए. के. सिंह, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 27th March, 2006

S.O. 1301.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 and 3 against Serial No. 57, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to National Board of Examinations, the following entries shall be inserted thereunder:—

- | | |
|---|--|
| (v) DNB (Oral Pathology) (if granted on or after 22nd September, 2005) | (v) DNB (Oral Pathology) National Board of Examinations, New Delhi. |
| (vi) DNB (Community Dentistry) (if granted on or after 19th November, 2005) | (vi) DNB (Community Dentistry) National Board of Examinations, New Delhi. |
| (vii) DNB (Oral Medicine & Radiology) (if granted on or after 27th September, 2005) | (vii) DNB (Oral Med. & Radiology) National Board of Examinations, New Delhi. |
| (viii) DNB (Periodontics) (if granted on or after 27th September, 2005) | (viii) DNB (Periodontics) National Board of Examinations, New Delhi. |

[No. V-12018/1/2006-DE]

A. K. SINGH, Under Secy.

नई दिल्ली, 27 मार्च, 2006

का.आ. 1302.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय दन्त चिकित्सा परिषद् के साथ परामर्श करने के पश्चात् एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, अर्थात्:—

2. डा. एम. जी. आर. मेडिकल विश्वविद्यालय, टी. एन. चेन्नई के संबंध में दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम सं. 34 के सामने कालम 2 एवं 3 की मौजूदा प्रविष्टियों के अन्तर्गत निम्नलिखित प्रविष्टियां रखी जाएंगी:—

XI वी. एम. एस. डेंटल कालेज, सलेम

- | | |
|---|--|
| (i) मास्टर ऑफ डेंटल सर्जरी-
“(ओरल पैथोलॉजी)
(यदि 28 दिसम्बर, 2004 को अथवा उसके पश्चात् प्रदान की गई हो) | एम.डी.एस. (ओरल पैथोलॉजी) टी.एन.
डा. एम.जी.आर.
मेडिकल यूनिवर्सिटी-
चेन्नई” |
|---|--|

[सं. वी.-12017/19/97-पीएमएस]

ए. के. सिंह, अवर सचिव

New Delhi, the 27th March, 2006

S.O. 1302.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 and 3 against Serial No. 34, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to, Dr. M.G.R. Medical University, T.N. Chennai the following entries shall be inserted thereunder:—

XI V.M.S. Dental College, Salem

- | | |
|--|--|
| (i) Master of Dental Surgery-
“Oral Pathology
(if granted on or after 28th December, 2004) | MDS (Oral Pathology)
The T.N. Dr. MGR
Medical University,
Chennai.” |
| [No. V-12017/19/97-PMS] | |
| A. K. SINGH, Under Secy. | |

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 13 मार्च, 2006

का.आ. 1303.—इस मंत्रालय की दिनांक 5 फरवरी, 2005 और 17 जनवरी, 2006 की समसंख्यक अधिसूचना के अनुक्रम और आंशिक आशोधन में तथा चलचित्रकी (प्रमाणन) नियमावली, 1983 के नियम 3 के साथ पठित चलचित्रकी अधिनियम, 1952 (1952 का

37) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, श्रीमती अरुंधति नाग के स्थान पर श्री वी एन सुब्बा राव को तत्काल प्रभाव से और अगले आदेशों तक केन्द्रीय फिल्म प्रमाणन बोर्ड के सदस्य के रूप में नियुक्त करती है।

[फा. संख्या 809/12/2003-एफ (सी)]

विश्वजीत सहाय, निदेशक (फिल्म)

**MINISTRY OF INFORMATION AND
BROADCASTING**

New Delhi, the 13th March, 2006

S.O. 1303.—In continuation and in partial modification of this Ministry's Notification of even number dated 5th February, 2005 and 17th January, 2006 and in exercise of the powers conferred by sub-section (1) of Section 3 of the Cinematograph Act, 1952 (37 of 1952) read with rule 3 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri V.N. Subba Rao in place of Smt. Arundati Naag as member of the Central Board of Film Certification with immediate effect and until further orders.

[F.No. 809/12/2003-F(C)]

VISHVAJIT SAHAY, Director (Films)

नई दिल्ली, 29 मार्च, 2006

का.आ. 1304.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में दूरदर्शन महानिदेशालय (सूचना और प्रसारण मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालयों, जिनके 80% से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. दूरदर्शन अनुरक्षण केन्द्र, बलरामपुर
2. दूरदर्शन अल्प शक्ति प्रेषित्र, बलरामपुर
3. दूरदर्शन अल्प शक्ति प्रेषित्र, बहराइच
4. दूरदर्शन अल्प शक्ति प्रेषित्र, बस्ती
5. दूरदर्शन अल्प शक्ति प्रेषित्र, गोंडा
6. दूरदर्शन अल्प शक्ति प्रेषित्र, अटदमा
7. दूरदर्शन अल्प शक्ति प्रेषित्र, नानपारा
8. दूरदर्शन अल्प शक्ति प्रेषित्र, नौगढ़
9. दूरदर्शन अनुरक्षण केन्द्र, एटा
10. दूरदर्शन अल्प शक्ति प्रेषित्र, एटा
11. दूरदर्शन अल्प शक्ति प्रेषित्र, कासगंज
12. दूरदर्शन अल्प शक्ति प्रेषित्र, दुंडवारा
13. दूरदर्शन अल्प शक्ति प्रेषित्र, मैनपुरी
14. दूरदर्शन अल्प शक्ति प्रेषित्र, छिवरा मऊ
15. दूरदर्शन अल्प शक्ति प्रेषित्र, फतेहगढ़
16. दूरदर्शन अल्प शक्ति प्रेषित्र, नरौरा

17. दूरदर्शन अल्प शक्ति प्रेषित्र, रतलाम
18. दूरदर्शन अल्प शक्ति प्रेषित्र, मंदसौर
19. दूरदर्शन अल्प शक्ति प्रेषित्र, भीमच
20. दूरदर्शन अल्प शक्ति प्रेषित्र, जावरा
21. दूरदर्शन अल्प शक्ति प्रेषित्र, भानपुरा
22. दूरदर्शन अल्प शक्ति प्रेषित्र, कुकडेश्वर
23. दूरदर्शन अल्प शक्ति प्रेषित्र, गरोट
24. दूरदर्शन अल्प शक्ति प्रेषित्र, सीतामऊ
25. दूरदर्शन अनुरक्षण केन्द्र, शहडोल
26. दूरदर्शन अल्प शक्ति प्रेषित्र, कुरासिया
27. दूरदर्शन अल्प शक्ति प्रेषित्र, मनैद्रगढ़
28. दूरदर्शन अल्प शक्ति प्रेषित्र, पेंड्राडोड
29. दूरदर्शन अनुरक्षण केन्द्र, हनुमानगढ़
30. दूरदर्शन अनुरक्षण केन्द्र, सतारा
31. दूरदर्शन अल्प शक्ति प्रेषित्र, सतारा
32. दूरदर्शन अल्प शक्ति प्रेषित्र, कराड
33. दूरदर्शन अल्प शक्ति प्रेषित्र, चिपकूड
34. दूरदर्शन अल्प शक्ति प्रेषित्र, म्हासले
35. दूरदर्शन अल्प शक्ति प्रेषित्र, महाड
36. दूरदर्शन अल्प शक्ति प्रेषित्र, माणगांव
37. दूरदर्शन अल्प शक्ति प्रेषित्र, पाटण
38. दूरदर्शन अल्प शक्ति प्रेषित्र, फलटण
39. दूरदर्शन अल्प शक्ति प्रेषित्र, विटा
40. दूरदर्शन अल्प शक्ति प्रेषित्र, पाली
41. दूरदर्शन अल्प शक्ति प्रेषित्र, नागौर
42. दूरदर्शन अल्प शक्ति प्रेषित्र, जालौर
43. दूरदर्शन अल्प शक्ति प्रेषित्र, मकराना
44. दूरदर्शन अल्प शक्ति प्रेषित्र, भीनमाल
45. दूरदर्शन अल्प शक्ति प्रेषित्र, निमाज
46. दूरदर्शन अल्प शक्ति प्रेषित्र, फलौदी
47. दूरदर्शन अल्प शक्ति प्रेषित्र, सोजत
48. दूरदर्शन अल्प शक्ति प्रेषित्र, बाली
49. दूरदर्शन अल्प शक्ति प्रेषित्र, जैसलमेर
50. दूरदर्शन अल्प शक्ति प्रेषित्र, जोधपुर
51. दूरदर्शन अनुरक्षण केन्द्र, हिसार
52. दूरदर्शन अल्प शक्ति प्रेषित्र, मेहम
53. दूरदर्शन अल्प शक्ति प्रेषित्र, रोहतक
54. दूरदर्शन अल्प शक्ति प्रेषित्र, चर्खा दादरी
55. दूरदर्शन अल्प शक्ति प्रेषित्र, फतेहाबाद
56. दूरदर्शन अल्प शक्ति प्रेषित्र, रिवाड़ी
57. दूरदर्शन अल्प शक्ति प्रेषित्र, टोहाना
58. दूरदर्शन अनुरक्षण केन्द्र, हरिद्वार
59. दूरदर्शन अल्प शक्ति प्रेषित्र, हरिद्वार
60. दूरदर्शन अल्प शक्ति प्रेषित्र, कोटद्वार

61. दूरदर्शन अल्प शक्ति प्रेषित्र, कालागढ़
62. दूरदर्शन अल्प शक्ति प्रेषित्र, डाकपत्थर
63. दूरदर्शन केंद्र, ग्वालियर
64. दूरदर्शन उच्च शक्ति प्रेषित्र, कसौली

[सं. ई-11017/4/2002-हिन्दी]

समय सिंह कटारिया, निदेशक (राजभाषा)

New Delhi, the 29th March, 2006

S.O. 1304.—In pursuance of Sub-rule 4 of Rule 10 of the Official Language (use for Official purposes of the Union) Rule, 1976, the Central Government hereby notifies the following subordinate offices of DG : Doordarshan (Ministry of Information and Broadcasting), more than 80% of the staff whereof have acquired the working knowledge of Hindi :—

1. Doordarshan Maintenance Centre, Balrampur
2. Doordarshan Low Power Transmitter, Balrampur
3. Doordarshan Low Power Transmitter, Bahraich
4. Doordarshan Low Power Transmitter, Basti
5. Doordarshan Low Power Transmitter, Gonda
6. Doordarshan Low Power Transmitter, Athdama
7. Doordarshan Low Power Transmitter, Nanpara
8. Doordarshan Low Power Transmitter, Naugarh
9. Doordarshan Maintenance Centre, Etah
10. Doordarshan Low Power Transmitter, Etah
11. Doordarshan Low Power Transmitter, Kasganj
12. Doordarshan Low Power Transmitter, Dundwara
13. Doordarshan Low Power Transmitter, Mainpuri
14. Doordarshan Low Power Transmitter, Chhibra Mau
15. Doordarshan Low Power Transmitter, Fatehgarh
16. Doordarshan Low Power Transmitter, Nraura
17. Doordarshan Low Power Transmitter, Ratlam
18. Doordarshan Low Power Transmitter, Mandsaur
19. Doordarshan Low Power Transmitter, Neemuch
20. Doordarshan Low Power Transmitter, Jaora
21. Doordarshan Low Power Transmitter, Bhanpura
22. Doordarshan Low Power Transmitter, Kukdeswar
23. Doordarshan Low Power Transmitter, Garot
24. Doordarshan Low Power Transmitter, Sitamau
25. Doordarshan Maintenance Centre, Shahdol
26. Doordarshan Low Power Transmitter, Kurasia
27. Doordarshan Low Power Transmitter, Manindergarh
28. Doordarshan Low Power Transmitter, Pendraroad
29. Doordarshan Low Power Transmitter, Hnumangarh
30. Doordarshan Maintenance Centre, Satara
31. Doordarshan Low Power Transmitter, Satara
32. Doordarshan Low Power Transmitter, Karaod
33. Doordarshan Low Power Transmitter, Chipkud
34. Doordarshan Low Power Transmitter, Mahasale
35. Doordarshan Low Power Transmitter, Mahad

36. Doordarshan Low Power Transmitter, Mangaon
37. Doordarshan Low Power Transmitter, Patan
38. Doordarshan Low Power Transmitter, Phaltan
39. Doordarshan Low Power Transmitter, Vita
40. Doordarshan Low Power Transmitter, Pali
41. Doordarshan Low Power Transmitter, Nagaur
42. Doordarshan Low Power Transmitter, Jalore
43. Doordarshan Low Power Transmitter, Makrana
44. Doordarshan Low Power Transmitter, Bhinmal
45. Doordarshan Low Power Transmitter, Nimaj
46. Doordarshan Low Power Transmitter, Phalodi
47. Doordarshan Low Power Transmitter, Sojat
48. Doordarshan Low Power Transmitter, Bali
49. Doordarshan High Power Transmitter, Jaisalmer
50. Doordarshan High Power Transmitter, Jodhpur
51. Doordarshan Maintenance Centre, Hissar
52. Doordarshan Low Power Transmitter, Meham
53. Doordarshan Low Power Transmitter, Rohtak
54. Doordarshan Low Power Transmitter, Charkhi Dadri
55. Doordarshan Low Power Transmitter, Fatehabad
56. Doordarshan Low Power Transmitter, Rewari
57. Doordarshan Low Power Transmitter, Tohana
58. Doordarshan Maintenance Centre, Hardwar
59. Doordarshan Low Power Transmitter, Hardwar
60. Doordarshan Low Power Transmitter, Kotdwar
61. Doordarshan Low Power Transmitter, Kalagarh
62. Doordarshan Low Power Transmitter, Dakpathar
63. Doordarshan Kendra, Gwalior
64. Doordarshan High Power Transmitter, Kasauli

[F. No. E-11017/4/2002-Hindi]

S. S. KATARIA, Director (O.L.)

कृषि मंत्रालय

(कृषि तथा सहकारिता विभाग)

आदेश

नई दिल्ली, 20 मार्च, 2006

[बहु-राष्ट्रीय सहकारी समिति अधिनियम, 2002 की धारा 126 के साथ पठनीय बहु-राष्ट्रीय सहकारी समिति अधिनियम, 1984 की धारा 80 (1) के अंतर्गत]

का.आ. 1305.—इस विभाग के दिनांक 8-4-1988 के समसंख्यक आदेश के आंशिक संशोधन में, श्री डी.के. चटर्जी निदेशक (तकनीकी-टेक्सटाइल), राष्ट्रीय सहकारिता विकास निगम (एनसीडीसी), नई दिल्ली को एतद्वारा श्री एन. के साहनी, मुख्य निदेशक (उद्योग), राष्ट्रीय सहकारिता विकास निगम के स्थान पर भारतीय जूट औद्योगिक और विपणन सहकारिता लि., नई दिल्ली में परिसमापक के पद पर नियुक्त किया जाता है।

2. परिसमापक, इस आदेश की तिथि से 6 माह की अवधि के भीतर परिसमापकता को अंतिम रूप देंगे।

3. आदेश दिया जाता है कि यह आदेश बहु-राष्ट्रीय सहकारी समिति अधिनियम, 1985 (विशेषाधिकार, संपत्ति और कोष, लेखे, लेखा-परीक्षा, आज्ञापत्र का समापन और निष्पादन, आदेश और निर्णय) के नियम 19 में दिए गए प्रावधानों के अनुसरण में भारत के राजपत्र के भाग-II, खंड-3, उप-खंड (ii) में प्रकाशित किया जाए।

20 मार्च, 2006 को मेरे हस्ताक्षर और मुहर से जारी किया गया।

[फा. सं.-एल-11015/5/80-एल एंड एम]

सतीश चंद्र, संयुक्त सचिव एवं
केन्द्रीय सहकारी समितियों के पंजीयक

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

ORDER

New Delhi, the 20th March, 2006

[Under Section 80 (1) of the Multi-State Co-operative Societies Act, 1984 read with Section 126 of the Multi-State Co-operative Societies Act, 2002]

S.O. 1305.—In partial modification of this Department's order of even number dated 8-4-1988, Shri D.K. Chatterjee, Director (Technical-Textile), National Cooperative Development Corporation (NCDC), New Delhi is hereby appointed as Liquidator of the Jute Industrial and Marketing Cooperative of India Ltd. (JIMCI), New Delhi vice Shri N.K. Sawhney, Chief Director (Industries), NCDC.

2. The Liquidator shall finalise the liquidation within a period of six months from the date of this order.

3. Ordered that this Order be published in Part II, Section 3, sub-section (ii) of the Gazette of India in pursuance of the provisions contained in Rule 19 (a) of the Multi-State Cooperative Societies (Privileges, Properties

and Funds, Accounts, Audit, Winding up and Execution of Decrees, Orders and Decisions) Rules, 1985.

Issued under my hand and seal, this the 20th day of March, 2006.

[No. L-11015/5/80-L & M]

SATISH CHANDER, Jt. Secy. and Central
Registrar of Co-operative Societies

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 30 मार्च, 2006

का. आ. 1306.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, रेल सेवा (पेंशन) नियम, 1993 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम रेल सेवा (पेंशन) संशोधन नियम, 2006 है।

(2) ये 14 अक्टूबर, 2005 से प्रवृत्त हुए समझे जाएंगे।

2. रेल सेवा (पेंशन) नियम, 1993 में, नियम 53 (क) के उप-नियम (8) में “पेंशनिक फ़ायदों के लिए” शब्दों के पश्चात् निम्नलिखित जोड़ा जाएगा, अर्थात्:—

“या अपने विकल्प पर सरकार द्वारा जारी किए गए आदेशों के अनुसार रेलवे के अधीन की गई सेवा के लिए अनुपातित: सेवानिवृत्ति प्रसुविधाएं प्राप्त करने के लिए पात्र होगा।”

[फा. सं. एफ (ई) III/2003/पीएन/1/1]

एम. के. अग्रवाल, सचिव

स्पष्टीकारक ज्ञापन

1. रेल सेवा (पेंशन) नियम, 1993, 3 दिसंबर, 1993 को प्रवृत्त हुए थे।

2. इस संबंध में दिनांक 14 अक्टूबर, 2005 के का. आ. सं. 1487 (अ) के अधीन भारत के राजपत्र में प्रकाशित पेंशन और पेंशनभोगी कल्याण विभाग की अधिसूचना के साथ एकरूपता बनाए रखने के उद्देश्य से इस अधिसूचना को 14 अक्टूबर, 2005 से भूतलक्षी रूप से प्रभावी किया जा रहा है।

3. उक्त नियमों के संशोधनों को भूतलक्षी रूप से प्रभावी करने से किसी भी व्यक्ति के हित पर कोई प्रतिकूल प्रभाव नहीं पड़ेगा।

टिप्पण:—रेल सेवा (पेंशन) नियम, 1993 भारत के राजपत्र, असाधारण में अधिसूचना सं. का.आ. 930 (अ) तारीख 3 दिसंबर, 1993 के अधीन प्रकाशित किए गए थे और तत्पश्चात् उनमें निम्नलिखित द्वारा संशोधन किए गए—

क्र. सं.	अधिसूचना संख्या	तारीख	भारत के राजपत्र, भाग 2, खंड 3, उप-खंड (ii) में प्रकाशित	
			का.आ.सं	प्रकाशन की तारीख
1	2	3	4	5
1.	एफ (ई) III/94/पीएन1/31 (संशोधन)	3-2-1995	511	25-02-1995
2.	ई (जी) 94 ईएम 1-6	31-3-1995	1026	15-04-1995
3.	एफ (ई) III/99/पीएन 1/38 (उपांतरण)	23-5-2000	1554	15-7-2000
4.	एफ (ई) III/97/पीएन 1/14 (संशोधन)	24-5-2000	1553	15-7-2000
5.	एफ (ई) III/2000/पीएन 1/23	18-10-2001	1081	30-3-2002

1	2	3	4	5
6.	ई (जी) 2002 ईएम1/1	23-8-2002	1214 (अ)	4-11-2004
7.	एफ (ई) III/2003/पीएन1/38(संशोधन)	30-12-2003	1488 (अ)	30-12-2003
8.	एफ (ई) III/2004/पीएन1/21(संशोधन)	7-12-2004	3191	18-12-2004
9.	एफ (ई) III/2003/पीएन1/25	20-1-2005	399	05-02-2005
10.	एफ (ई) III/2003/पीएन1/1	10-03-2005	1001	19-03-2005

MINISTRY OF RAILWAYS**(Railway Board)**

New Delhi, the 30th March, 2006

S.O. 1306.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Railway Services (Pension) Rules, 1993, namely:—

1. (1) These rules may be called the Railway Services (Pension) Amendment Rules, 2006.

(2) They shall be deemed to have come into force from the 14th day of October, 2005.

2. In the Railway Services (Pension) Rules, 1993, in rule 53 A. in sub-rule (8). at the end, after the words "as the case may be" the following shall be added, namely:—

"or at his option, to receive pro-rata retirement benefits for the service rendered under the Railways in accordance with the orders issued by the Government".

[F. No. F(E)III/2003/PN1/1]

M.K. AGARWAL, Secy.

EXPLANATORY MEMORANDUM

1. The Railway Services (Pension) Rules, 1993 came into force on the 3rd December, 1993.

2. In order to keep uniformity with the Department of Pension and Pensioners' Welfare's Notification on the issue published in the Gazette of India, vide number S.O. 1487 (E) dated the 14th October, 2005, this notification is given retrospective effect from the 14th October, 2005.

3. The amendments to the said rules with retrospective effect will not adversely affect the interest of any person.

Note—The Railway Services (Pension) Rules, 1993 were published in the Gazette of India, Extraordinary, vide number S.O. 930 dated the 3rd December, 1993 and subsequently amended as follows:—

S.No.	Notification No.	Date	Published in the Gazette of India Part II Section 3 sub-section (ii).	
			S.O. No.	Date of Publication
1	2	3	4	5
1.	F (E)III/94/PN1/31 (Amendment)	03-02-1995	511	25-02-1995
2.	E(G)94EM1-6	31-03-1995	1026	15-04-1995
3.	F(E)III/99/PN1/38 (Modification)	23-05-2000	1554	15-07-2000
4.	F(E)III/97/PN1/14 (Amendment)	24-05-2000	1553	15-07-2000
5.	F(E)III/2000/PN1/23	18-10-2001	1081	30-03-2002
6.	E(G)2002 EM1/1	23-08-2002	1214(E)	04-11-2004
7.	E(E)III/2003/PN1/38 (Amendment)	30-12-2003	1488(E)	30-12-2003
8.	F(E)III/2004/PN1/21 (Amendment)	7-12-2004	3191	18-12-2004
9.	F(E)III/2003/PN1/25	20-01-2005	399	05-02-2005
10.	F(E)III/2003/PN1/1	10-03-2005	1001	19-03-2005

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 7 मार्च, 2006

का. आ. 1307.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सनसीय इलैक्ट्रॉनिक्स, नं. 4, परसाणा सोसायटी, न्यू नेहरू नगर, देभार रोड, राजकोट, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस डब्ल्यू" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल को, जिसके ब्रांड का नाम "सनसीय" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1021 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 100 टन है और न्यूनतम क्षमता 400 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यावकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन अंतराल (एन) सहित 50 टन से अधिक और 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^5 , 2×10^5 या 5×10^5 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(172)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 7th March, 2006

S.O. 1307.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of "SW" series of medium accuracy (Accuracy class-III) and with brand name "SENSITA" (hereinafter referred to as the said model), manufactured by M/s. Sensita Electronic, No. 4, Parsana Society, New Nehru Nagar, Dhebar Road, Rajkot, Gujarat and which is assigned the approval mark IND/09/05/1021;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 100 tonne and minimum capacity of 400Kg. The verification scale interval (e) is 20Kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(172)/2004]

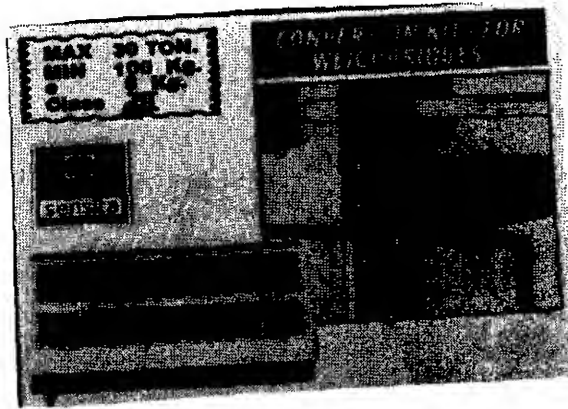
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का. आ. 1308.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सनसीटा इलैक्ट्रॉनिक्स, नं. 4, परसाना सोसायटी, न्यू नेहरू नगर, देभार रोड, राजकोट, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस डब्ल्यू" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज के लिए कन्वर्शन किट) के मॉडल का, जिसके ब्रांड का नाम "सनसीटा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1022 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज के लिए कन्वर्शन किट) तोलन उपकरण है। इसकी अधिकतम क्षमता 80 टन है और न्यूनतम क्षमता 400 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यावकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टैम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 टन से अधिक और 200 टन की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^5 , 2×10^5 या 5×10^5 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(172)/2004]

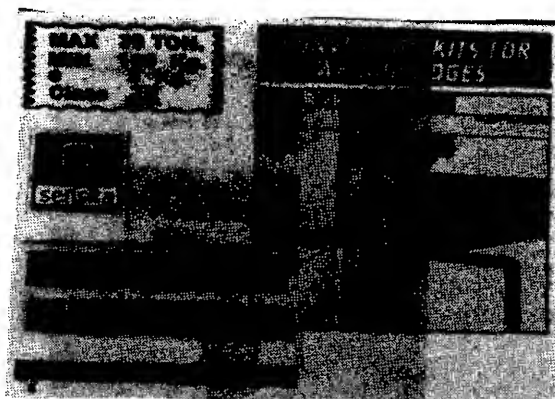
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1308.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Conversion kit for Weighbridge) with digital indication of "SW" series of medium accuracy (Accuracy class-III) and with brand name "SENSITA" (hereinafter referred to as the said Model), manufactured by M/s. Sensita Electronic, No. 4, Parsana Society, New Nehru Nagar, Dhebar Road, Rajkot, Gujarat and which is assigned the approval mark IND/09/05/1022;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for Weighbridge) with a maximum capacity of 80 tonne and minimum capacity of 400kg. The verification scale interval (e) is 20kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(172)/2004]

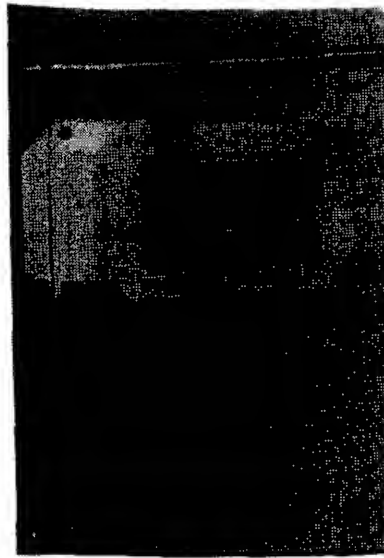
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का. आ. 1309.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सनसीटा इलैक्ट्रॉनिक्स, नं. 4, परसाना सोसायटी, न्यू नेहरू नगर, देभार रोड, राजकोट, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एच" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (हैंगिंग प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सनसीटा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1023 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (हैंगिंग प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 2000 कि.ग्रा. है और न्यूनतम क्षमता 20 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यावकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(172)/2004]

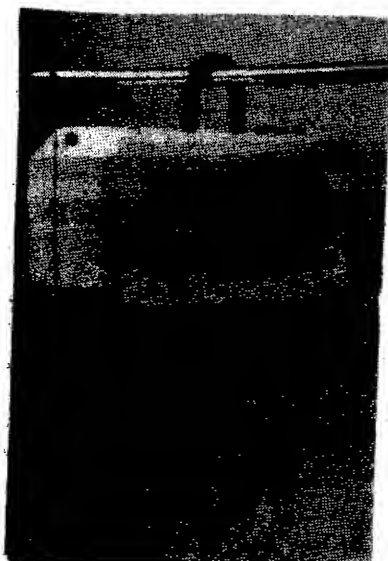
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1309.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Hanging type) with digital indication of "H" series of medium accuracy (Accuracy class-III) and with brand name "SENSITA" (hereinafter referred to as the said model), manufactured by M/s. Sensita Electronic, No. 4, Parsana Society, New Nehru Nagar, Dhebar Road, Rajkot, Gujarat and which is assigned the approval mark IND/09/05/1023;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Hanging type) with a maximum capacity of 2000kg. and minimum capacity of 20kg. The verification scale interval (e) is 1kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

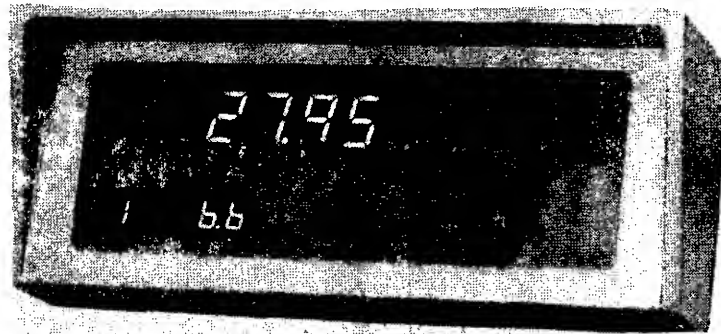
[F. No. WM-21(172)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1310.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आर सी एडवर्ड्स एंड कम्पनी प्राइवेट लिमिटेड, आर्थुर बन्डर रोड, कोलाबा, मुंबई-400005 द्वारा निर्मित अंकक सूचन सहित, पी-88 श्रृंखला के टैक्सी मीटर के मॉडल का, जिसके ब्रांड का नाम "इडको" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/679 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



स्टाम्पिंग प्लेट के मुद्रांकित के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

यह मॉडल अंकक सूचन सहित, टैक्सी मीटर है। इसमें समय और दूरी मापने वाली युक्ति के साथ सम्मिलित है। यह निरन्तर रूप से योग करता है और यात्रा के किसी भी समय पर किराया, यात्री द्वारा पूरी की गई दूरी के कार्य के लिए संदेय प्रभाव प्राधिकृत टैरिफ के अनुसार किसी निश्चित गति से नीचे अनुपूरक प्रभाओं से स्वतंत्र और अधिभाग की गई किसी समयावधि के लिए संदेय प्रभाव उपदर्शित करता है। मीटर का "के" कारक 1680 स्पंद प्रति किलो मीटर है।

[फा. सं. डब्ल्यू एम-21(341)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1310.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of a Taxi Meter with digital indication of series "P-88" with brand name "EDCO" (hereinafter referred to as the said model), manufactured by M/s. R. C. Edwards & Co. Pvt. Ltd., 16, Arthur Bunder Road, Colaba, Mumbai-400 005 and which is assigned the approval mark IND/09/05/679;



In addition to sealing stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

The Model is a Taxi Meter with digital indication incorporated with a distance and time measuring device. It totalizes continuously and indicates at any moment of the journey, the charges payable by the passenger. The fare to pay is a function of the distance travelled below a certain specified speed and the length of time occupied, independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by Light Emitting Diode (LED). The 'k' factor of the instrument is 1680 pulses per kilometre.

[F. No. WM-21(341)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 मार्च, 2006

का.आ. 1311.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एलिजेंट एन्टरप्राइजेज, सागर हाईड्स, एस नं. 21/2, आफिस सं. 10/11/12, प्रथम तल, बालाजी नगर, धनकावाडी, पुणे-411 043 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डी एस-टी बी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (लटकने वाला प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एलिजेंट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/496 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल सिद्धान्त पर आधारित अस्वचालित (लटकने वाला) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 500 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\text{क}}$, $2 \times 10^{\text{क}}$ या $5 \times 10^{\text{क}}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

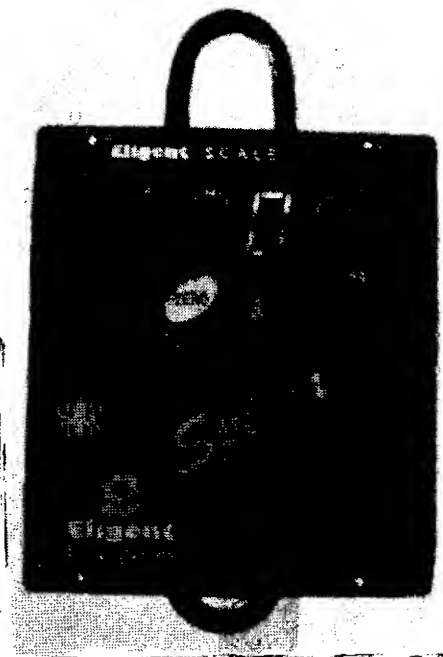
[फा. सं. डब्ल्यू एम-21(144)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th March, 2006

S.O. 1311.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Hanging type) with digital indication of "DS-TB" series of medium accuracy (Accuracy class-III) and with brand name "ELIGENT" (hereinafter referred to as the said Model), manufactured by M/s. Eligent Enterprises, 'Sagar Heights', S. No. 21/2, Office No. 10/11/12, 1st Floor, Balaji Nagar, Dhankawadi, Pune-411 043 and which is assigned the approval mark IND/09/05/496;



The said Model is a strain gauge type load cell principle based non-automatic weighing instrument (Hanging type) with a maximum capacity of 300 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 500 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k is a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

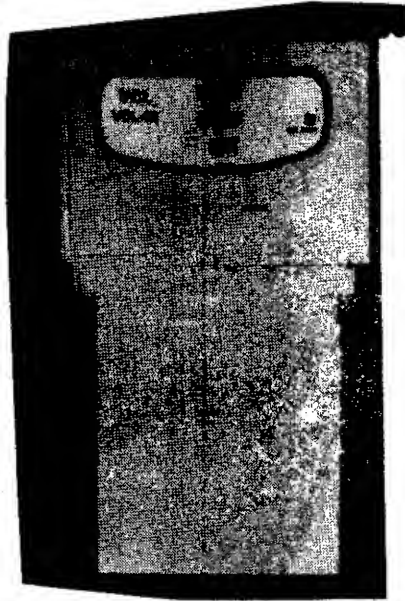
[F. No. WM-21(144)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 मार्च, 2006

का.आ. 1312.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स विनय कम्प्यूटर्स सिस्टम्स प्रा. लि., 16-सी, दीप बिल्डिंग, बिल्डिंग नं. 13, नेहरू प्लेस, नई दिल्ली-110019 द्वारा विनिर्मित “बी.सी.एल.-09” श्रृंखला के अंकक सूचक सहित यांत्रिक डिस्पेंसिंग पम्प को इलैक्ट्रॉनिक डिस्पेंसिंग पम्प में रूपान्तरण के मॉडल का जिसके ब्रांड का नाम “बी.सी.एल.” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/47 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक यांत्रिक डिस्पेंसिंग पम्प का अंकक सूचक सहित डिस्पेंसिंग पम्प में रूपान्तरण किट है जिसमें पोजिटिव डिस्प्लेसमेंट मीटर लगे हैं। इसकी अधिकतम क्षमता 999.99 लीटर तथा न्यूनतम प्रदर्श 10 मि. लीटर है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है तथा अधिकतम प्रवाह दर 40 लीटर प्रति मिनट है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त, मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद किया जाएगा ताकि मॉडल में उसकी सामग्री, एक्ज्यूरेसी, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के अनुसार उसमें परिवर्तन न किया जा सके।

[फा. सं. डब्ल्यू एम-21(133)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th March, 2006

S.O. 1312.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Conversion of Mechanical Dispensing Pump into Electronic Dispensing Pump digital indication (hereinafter referred to as the Model) of series 'VCL-09' with brand name 'VCL', manufactured by M/s. Vinay Computers Systems Pvt. Ltd., 16-C, Deepak Building Bld. No. 13, Nehru Palace, New Delhi-110 019 and which is assigned the approval mark IND/09/06/47;



The said Model is a Conversion kit for converting mechanical analogue Dispensing Pump into Dispensing Pump with digital display having a positive displacement meter. Its maximum capacity is 999.99 litre and smallest division is 10 ml.. The instrument operates on 230 Volts, 50 Hertz alternate current power supply. The maximum flow rate is 40 litres per minute.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

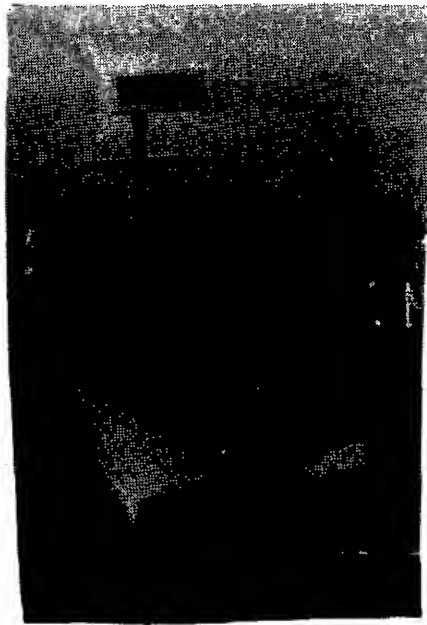
[F. No. WM-21(133)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 मार्च, 2006

का.आ. 1313.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विश्वास कंपनी, 708, शुक्रवार पेठ, पुणे-411002 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "के डी जी-1100" के शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/667 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1100 कि.ग्रा. है और न्यूनतम क्षमता 5 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

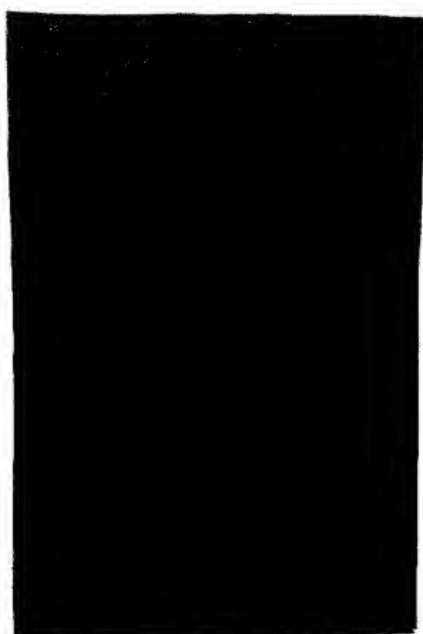
[फा. सं. डब्ल्यू एम-21(22)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th March, 2006

S.O. 1313.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of series “KDG-1100K” of high accuracy (Accuracy class-II) and with brand name “SUN” manufactured by M/s. Vishwas Company, 708, Shukarwar Peth, Pune-411 002 and which is assigned the approval mark IND/09/05/667;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1100 kg. and minimum capacity of 5 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity ranging above 50 kg to 5000 kg and with number of verification scale interval (n) in the range of 5000 to 50,000 for ‘e’ value of 100 mg or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which the said approved model has been manufactured.

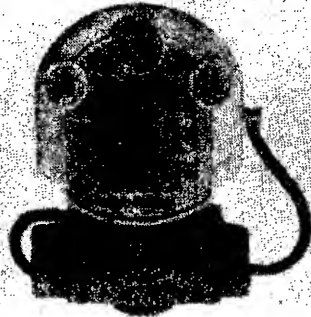
[F. No. WM-21(22)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 मार्च, 2006

का.आ. 13 14.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इण्डो मात्सुशिता एमालाइसेस कंपनी लिमिटेड, सं. 5, शोलावरम ग्राम, पोन्नेरी तालुक, चेन्नई-600067 तमिलनाडु द्वारा निर्मित "ई डब्ल्यू-3100 एंड ई डब्ल्यू-3032" शृंखला के अंकक सूचन सहित, गैर आक्रामक स्वचालित नाड़ीमापी मॉडल का, जिसके ब्रांड का नाम "पेनासोनिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/733 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल गैर आक्रामक रक्त दाब अंकन सूचन सहित मापन उपकरण (नाड़ीमापी) है, जो मानव शरीर के सिस्टोलिक और डायस्टोलिक रक्त दाब को मापने के लिए प्रयुक्त होता है। इसकी मापन रेंज 20-300 मि.मी.एच.जी. है और न्यूनतम मापमान अन्तराल 1 एम एम एच जी है। इसका सूचन द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रकार का है।

स्टाम्पिंग प्लेट के मुद्रांकित के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

[फा. सं. डब्ल्यू एम-21(334)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th March, 2006

S.O. 1314.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Non-invasive Automated Sphygmomanometer with digital indication of "EW-3100 & EW-3032" series and with brand name "PANASONIC" (hereinafter referred to as the said model), manufactured by M/s. Indo Matsushita Appliances Company Limited, No. 5, Sholavaram Village, Ponneri Taluk, Chennai-600 067, Tamil Nadu and which is assigned the approval mark IND/09/05/733;



The said Model is a non-invasive automated Blood Pressure Measuring instrument (Sphygmomanometer) with digital indications is used for the measurement of the systolic and diastolic blood pressure of the human body. Its measurement range is 20-300mmHg and the smallest scale interval is 1mmHg. Its indication is Liquid Crystal Display (LCD) type.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

[F. No. WM-21(334)/2003]

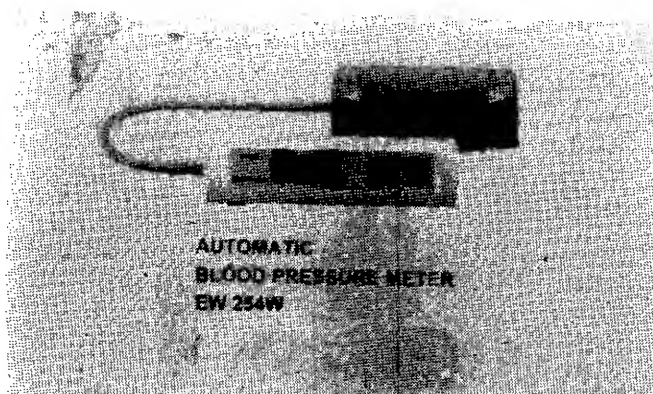
P. A. KRISHNAMOORTHY, Director of Legal Metrology

92/9/06-7

नई दिल्ली, 13 मार्च, 2006

का.आ. 1315.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इण्डो मात्सुशिता एमालाईसेस कंपनी लिमिटेड, सं. 5, शोलावरम ग्राम, पोन्नेरी तालुक, चेन्नई-600067 तमिलनाडु द्वारा निर्मित "ई डब्ल्यू-254 डब्ल्यू" शृंखला के अंकक सूचन सहित, गैर आक्रामक स्वचालित नाड़ीमापी माडल का, जिसके ब्रांड का नाम "पेनासोनिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/734 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल गैर आक्रामक रक्त दाब अंकन सूचन सहित मापन उपकरण (नाड़ीमापी) है, जो मानव शरीर के सिस्टोलिक और डायस्टोलिक रक्त दाब को मापने के लिए प्रयुक्त होता है। इसकी मापन रेंज 20-300 मि मी एच जी है और न्यूनतम मापमान अन्तराल 1 एम एम एच जी है। इसका सूचन द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रकार का है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

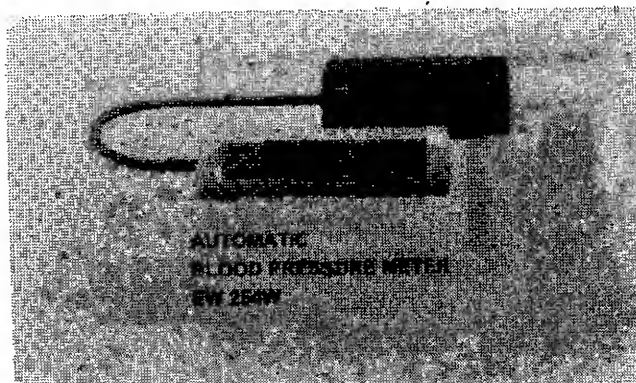
[फा. सं. डब्ल्यू एम-21(334)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th March, 2006

S.O. 1315.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Non-invasive Automated Sphygmomanometer with digital indication of “EW-254W” series and with brand name “PANASONIC” (hereinafter referred to as the said model), manufactured by M/s. Indo Matsushita Appliances Company Limited, No. 5, Sholavaram Village, Ponneri Taluk, Chennai-600 067, Tamil Nadu and which is assigned the approval mark IND/09/05/734;



The said model is a non-invasive automated Blood Pressure Measuring instrument (Sphygmomanometer) with digital indications is used for the measurement of the systolic and diastolic blood pressure of the human body. Its measurement range is 20-300mmHg and the smallest scale interval is 1mmHg. Its indication is Liquid Crystal Display (LCD) type.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

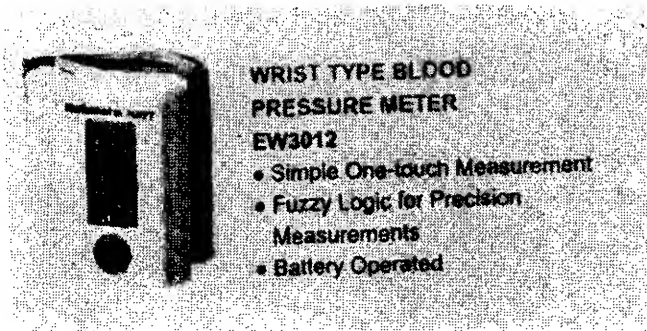
[F. No. WM-21(334)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 मार्च, 2006

का. आ. 1316.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इण्डो मात्सुशिता एमालाईसेस कंपनी लिमिटेड, सं. 5, शोलावरम ग्राम, पोन्नेरी तालुक, चेन्नई-600067 तमिलनाडु द्वारा निर्मित "ई डब्ल्यू-3110 एंड ई डब्ल्यू-3012" श्रृंखला के अंकक सूचन सहित गैर आक्रामक स्वचालित नाड़ीमापी मॉडल का, जिसके ब्रांड का नाम "पेनासोनिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/735 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल गैर आक्रामक रक्त दाब अंकन सूचन सहित मापन उपकरण (नाड़ीमापी) है, जो मानव शरीर के सिस्टोलिक और डायस्टोलिक रक्त दाब को मापने के लिए प्रयुक्त होता है। इसकी मापन रेंज 20-300 मि. मी. एच. जी. है और न्यूनतम मापमान अन्तराल 1 एम. एच. जी. है। इसका सूचन द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रकार है।

स्टाम्पिंग प्लेट के मुद्रांकित के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

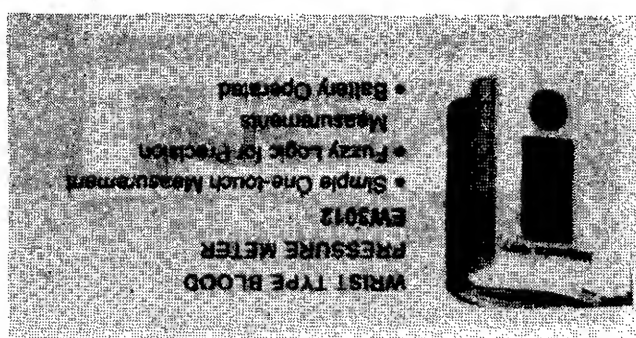
[फा. सं. डब्ल्यू एम-21(334)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th March, 2006

S.O. 1316.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Non-invasive Automated Sphygmomanometer with digital indication of “EW-3110 and EW-3012” series with brand name “PANASONIC” (hereinafter referred to as the said model), manufactured by M/s. Indo Matsushita Appliances Company Limited, No. 5, Sholavaram Village, Ponneri Taluk, Chennai-600 067, Tamil Nadu and which is assigned the approval mark IND/09/05/735;



The said Model is a non-invasive automated Blood Pressure Measuring instrument (Sphygmomanometer) with digital indications is used for the measurement of the systolic and diastolic blood pressure of the human body. Its measurement range is 20-300mmHg and the smallest scale interval is 1mmHg. Its indication is Liquid Crystal Display (LCD) type.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

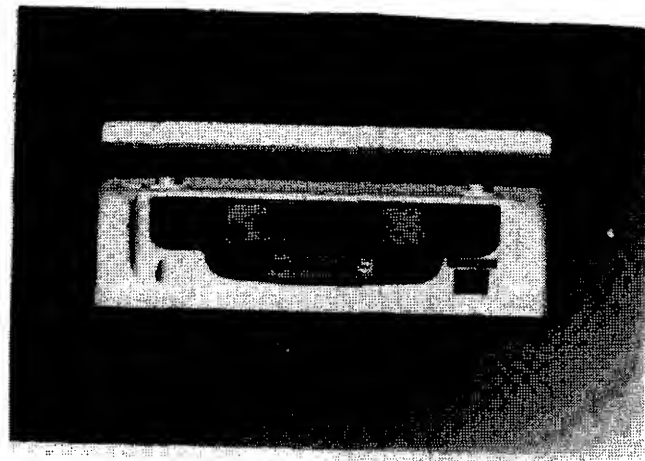
[F. No. WM-21(334)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1317.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नीतिराज इंजीनियर्स प्रा. लि. 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, देलिजले रोड, मुंबई-400011 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “न्यू” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फीनिक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/682 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

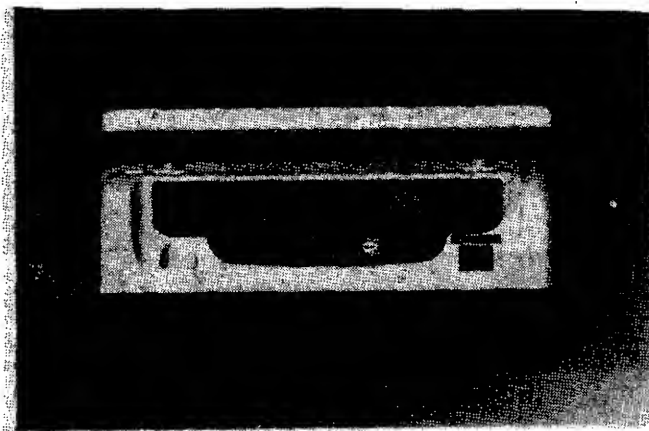
[फा. सं. डब्ल्यू एम-21(206)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1317.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "NEW" series of high accuracy (Accuracy class-II) and with brand name "PHOENIX" (hereinafter referred to as the said model), manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306-A, Bhabha Bldg., N. M. Joshi Marg, Delisle Road, Mumbai-400 011 and which is assigned the approval mark IND/09/05/682;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50kg with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

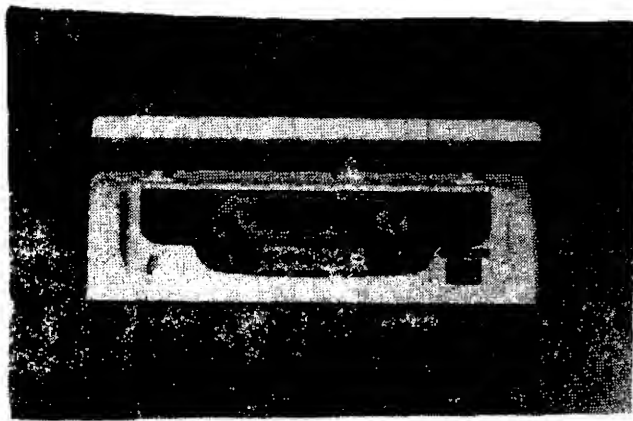
[F. No. WM-21(206)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1318.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लघुप्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नीतिराज इंजीनियर्स प्रा. लि. 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, देलिजले रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “न्यू” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फीनिक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/683 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल सिद्धान्त पर आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

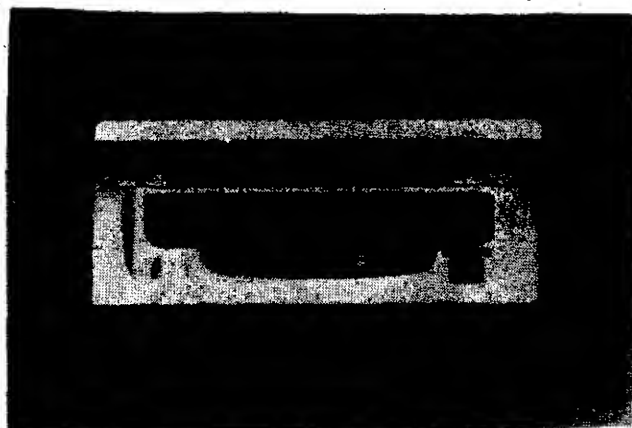
[फा. सं. डब्ल्यू एम-21(206)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1318.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) weighing instrument with digital indication of "NEW" series of medium accuracy (Accuracy class-III) and with brand name "PHOENIX" (hereinafter referred to as the said Model), manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306-A, Bhabha Bldg., N. M. Joshi Marg, Delisle Road, Mumbai-400 011 and which is assigned the approval mark IND/09/05/683;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

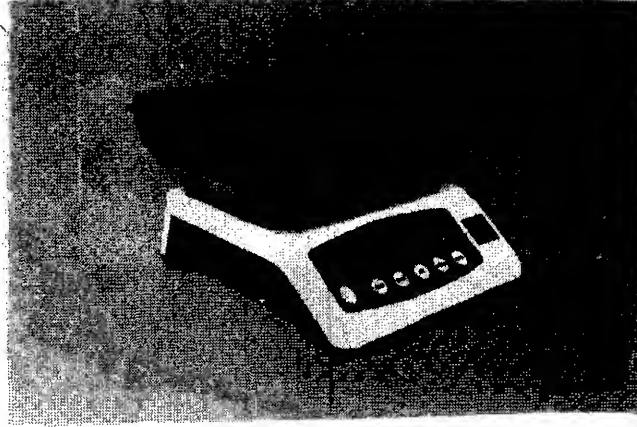
[F. No. WM-21(206)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1319.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नीतिराज इंजीनियर्स प्रा.लि. 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, देलिजले रोड, मुंबई-400011 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “स्मार्ट” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फीनिक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विहिन आई एन डी/09/2005/684 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 25 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

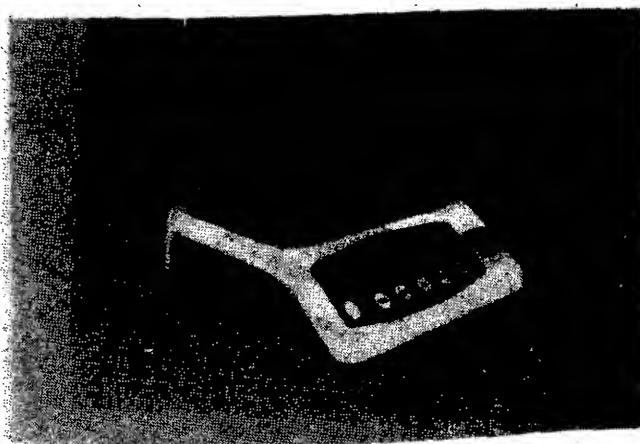
[फा. सं. डब्ल्यू एम-21(206)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1319.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "SMART" series of high accuracy (Accuracy class-II) and with brand name "PHOENIX" (hereinafter referred to as the said Model), manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306-A, Bhabha Bldg., N. M. Joshi Marg, Delisle Road, Mumbai-400 011 and which is assigned the approval mark IND/09/05/684;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 25kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50kg with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

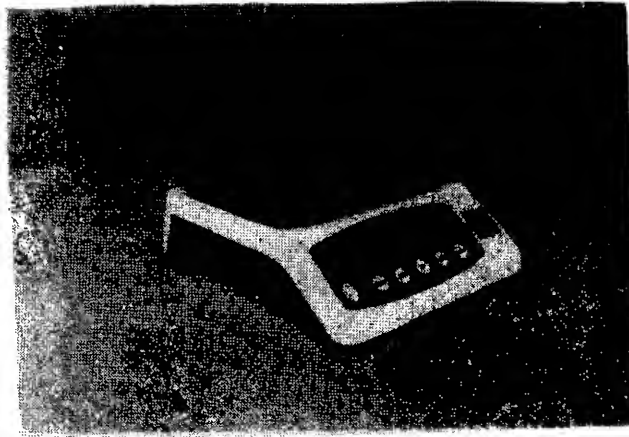
[F. No. WM-21(206)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का.आ. 1320.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नीतिराज इंजीनियर्स प्रा. लि., 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, देलिजले रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “स्मार्ट” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फीनिक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/685 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृते गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 25 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवहृत प्रभाव अतिरिक्त आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैन्डिंग प्लेट के मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 10 मि. ग्राम से 2 ग्राम के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(206)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th Mach, 2006

S.O. 1320.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "SMART" series of medium accuracy (accuracy class-III) and with brand name "PHOENIX" (hereinafter referred to as the said model), manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306-A, Bhabha Bldg., N. M. Joshi Marg, Delisle Road, Mumbai-400011 and which is assigned the approval mark IND/09/05/685;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 25kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity up to 50 kg. and with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

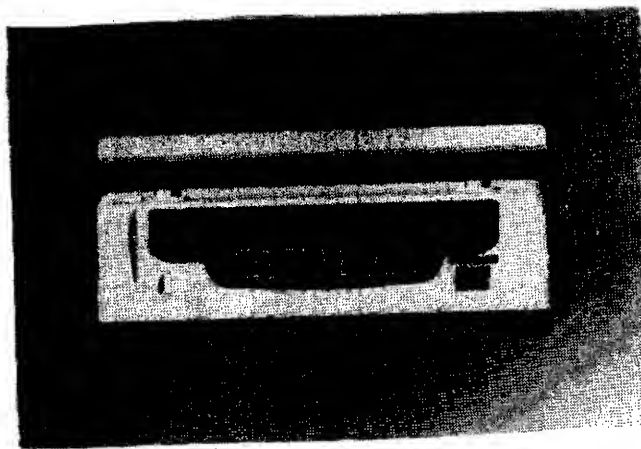
[F. No. WM-21(206)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1321.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नोतिराज इंजीनियर्स प्रा. लि., 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, देलिजले रोड, मुंबई-400011 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “एन ई सी” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फीनिक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/686 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 ग्राम के “ई” मान के लिए 100 से 5,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

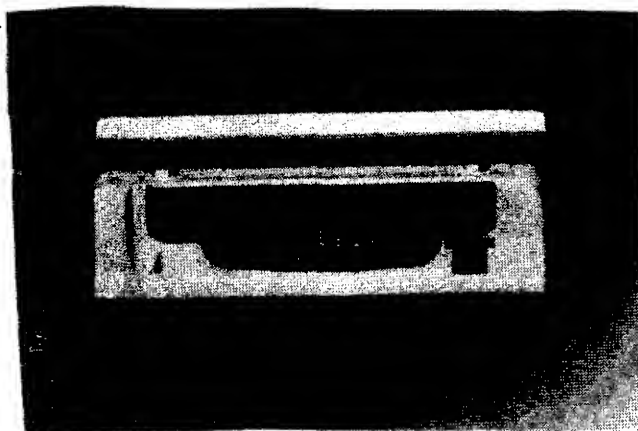
[फा. सं. डब्ल्यू एम-21(206)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1321.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "NEC" series of high accuracy (accuracy class-II) and with brand name "PHOENIX" (hereinafter referred to as the said Model), manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306-A, Bhabha Bldg., N. M. Joshi Marg, Delisle Road, Mumbai-400011 and which is assigned the approval mark IND/09/05/686;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

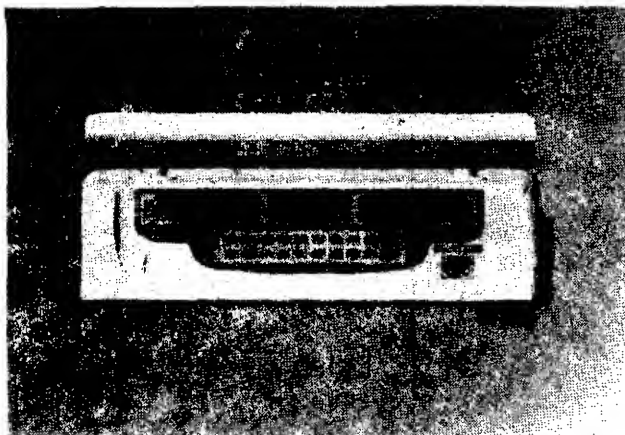
[F. No. WM-21(206)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1322.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नीतिराज इंजीनियर्स प्रा. लि., 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, देलिजले रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एन ई सी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/687 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकित करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्राम के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

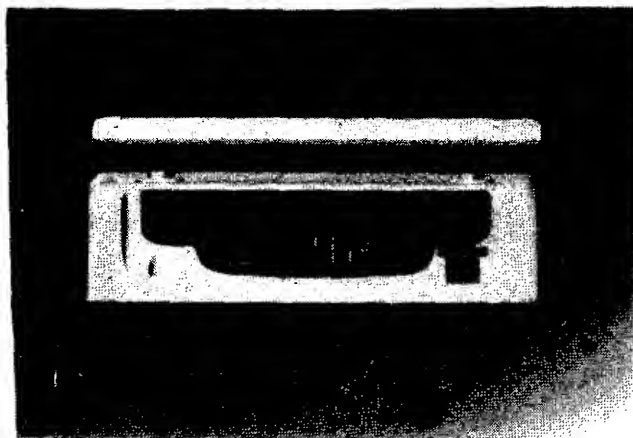
[फा. सं. डब्ल्यू एम-21(206)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1322.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "NEC" series of medium accuracy (accuracy class-III) and with brand name "PHOENIX" (hereinafter referred to as the said Model), manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306-A, Bhabha Bldg., N. M. Joshi Marg, Delisle Road, Mumbai-400011 and which is assigned the approval mark IND/09/05/687;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

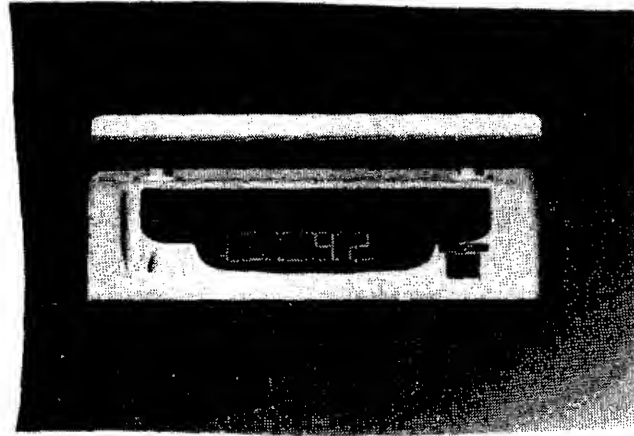
[F. No. WM-21(206)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1323.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नीतिराज इंजीनियर्स प्रा. लि., 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, देल्लिजले रोड, मुंबई-400011 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “एन पी सी” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फीनिक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/688 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने के लिए भी सीलबंद की किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 ग्राम तक “ई” मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

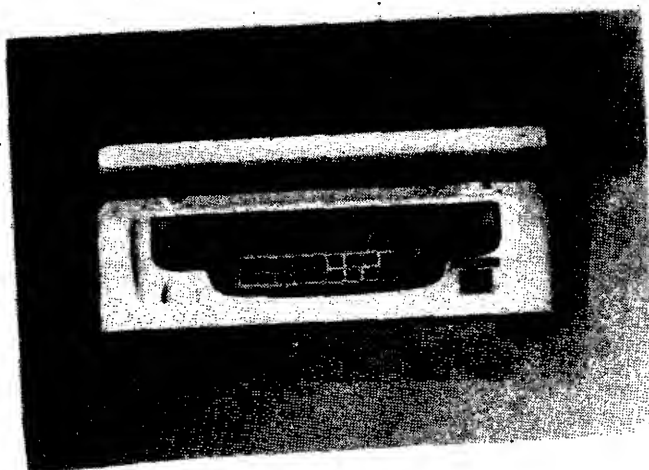
[फा. सं. डब्ल्यू एम-21(206)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1323.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "NPC" series of high accuracy (accuracy class-II) and with brand name "PHOENIX" (herein after referred to as the said Model), manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306-A, Bhabha Bldg., N. M. Joshi Marg, Delisle Road, Mumbai-400011 and which is assigned the approval mark IND/09/05/688.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

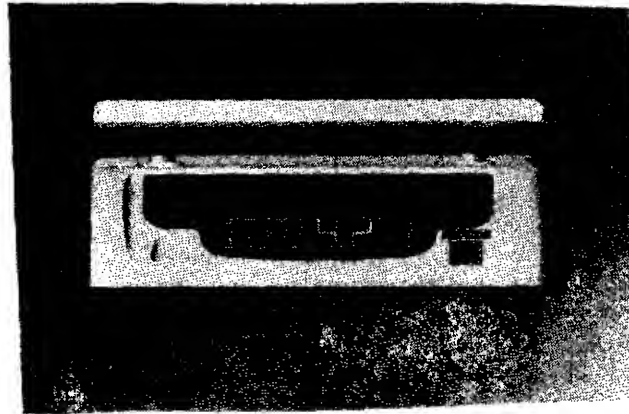
[F. No. WM-21(206)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1324.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नीतिराज इंजीनियर्स प्रा. लि., 306-ए, भाभा बिल्डिंग, एन.एम. जोशी मार्ग, देलिजले रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एन पी सी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फीनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/689 समनुदेशित किया गया है अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्ययकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज इत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

मशीन को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोले जाने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

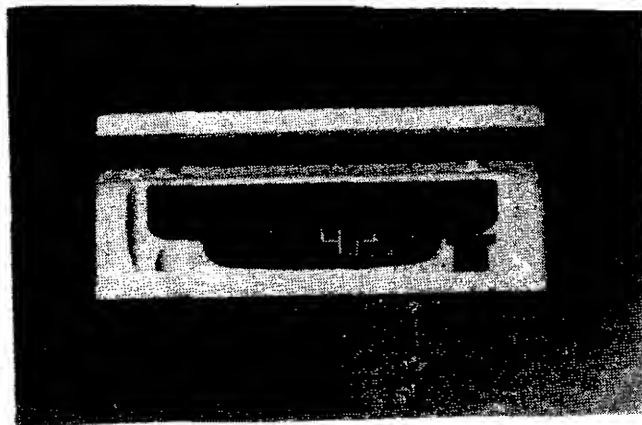
[फा. सं. डब्ल्यू एम-21(206)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1324.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "NPC" series of medium accuracy (accuracy class-III) and with brand name "PHOENIX" (hereinafter referred to as the said model), manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306-A, Bhabha Bldg., N. M. Joshi Marg, Delisle Road, Mumbai-400011 and which is assigned the approval mark IND/09/05/689;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100 mg to 2g or with of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being as positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

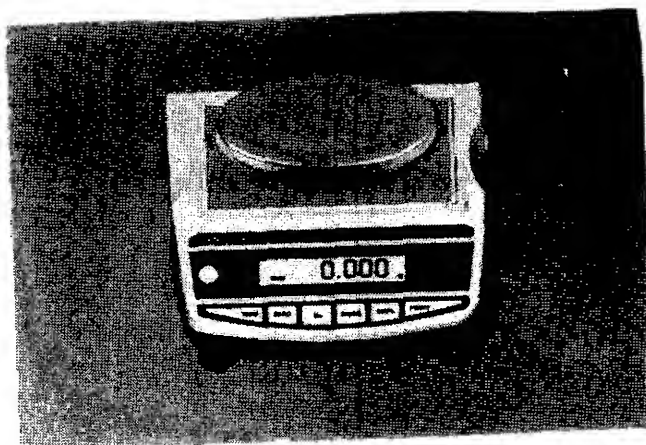
[F. No. WM-21(206)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का.आ. 1325.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नीतिराज इंजीनियर्स प्रा. लि., 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, देलिजले रोड, मुंबई-400011 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "सोना" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फीनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/690 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 1000 ग्रा. और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोले जाने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्राम तक "ई" मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल सहित 50 किलो ग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

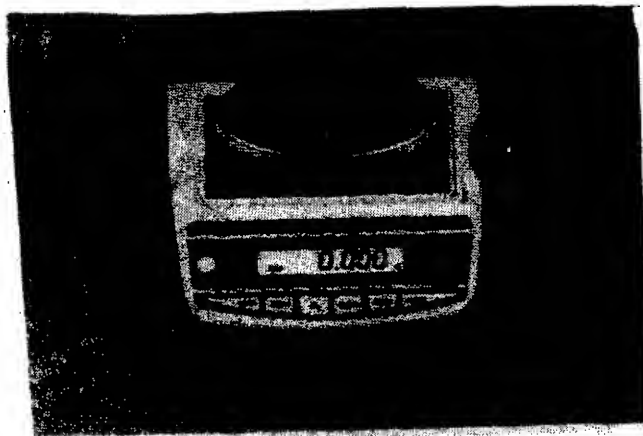
[फा. सं. डब्ल्यू एम-21(206)/2005]

जी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1325.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of "SONA" series of high accuracy class (accuracy class-II) with brand name "PHOENIX" (hereinafter referred to as the said model) manufactured by M/s. Nitiraj Engineer Pvt. Ltd. Bhabha Bldg. N. M. Joshi Marg, Delisle Road, Mumbai-400011 and which is assigned the approval mark IND/09/05/690;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 1000g and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply;

In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

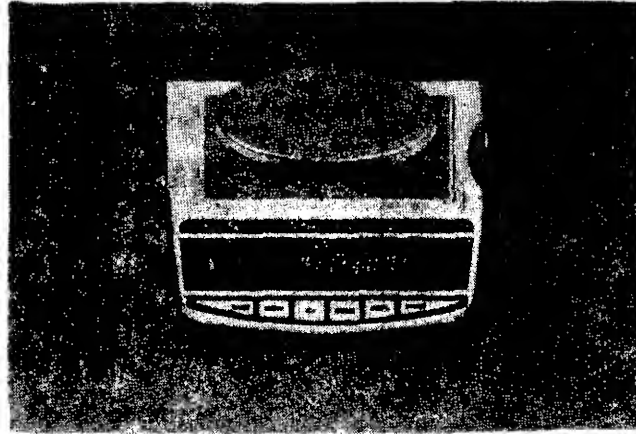
[F. No. WM-21(206)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1326.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नीतिराज इंजीनियर्स प्रा. लि., 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, देलिजले रोड, मुंबई-400011 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "गोल्ड" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फीनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/691 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 0.2 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 0.01 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कंपटपूर्ण व्यवहारों के लिए मशीन को खोले जाने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उमी सामग्री से, जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्राम तक "ई" मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

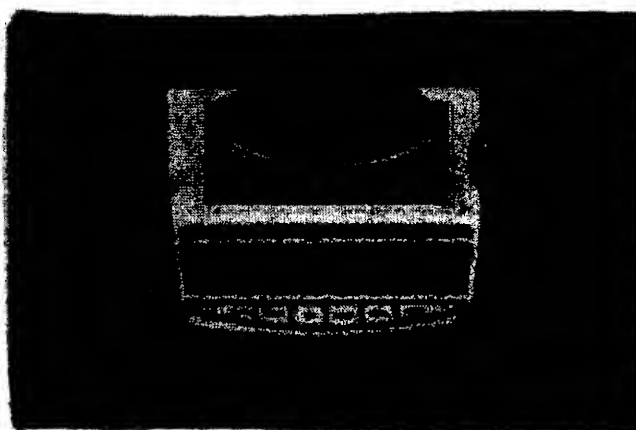
[फा. सं. डब्ल्यू एम-21(206)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1326.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "GOLD" series of high accuracy (accuracy class-II) and with brand/name "PHOENIX" (hereinafter referred to as the said Model), manufactured by M/s. Nitiraj Engineer Pvt. Ltd. 306A Bhabha Bldg., N. M. Joshi Marg, Delisle Road, Mumbai-400011 and which is assigned the approval mark IND/09/05/691:



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 1000g and minimum capacity of 0.2mg. The verification scale interval (e) is 0.01g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50kg. and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

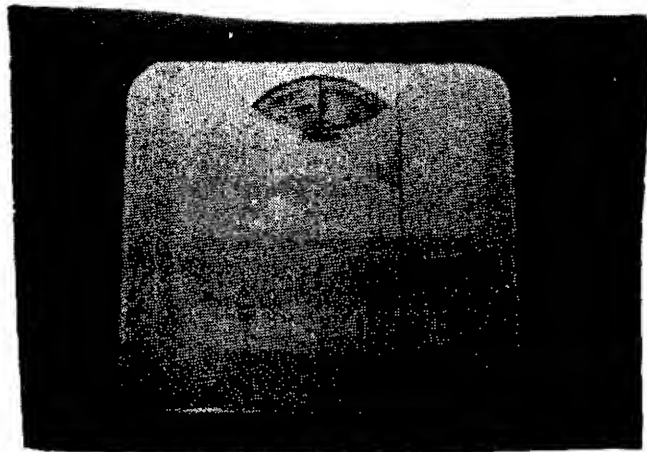
[F. No. WM-21(206)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1327.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स परम वेइंग सिस्टम्स, 7, रामानंद कॉपलैक्स, गाडीताल, हदापसर, पूणे-411028 द्वारा निर्मित साधारण यथार्थता वर्ग (यथार्थता वर्ग-III) वाले शृंखला के सादृश्य सूचन सहित, अस्वचालित तोलन उपकरण (यांत्रिक व्यक्ति तोलन मशीन वर्ग प्रकार) के माडल का, जिसके ब्रांड का नाम 'परम' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/719 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त माडल यांत्रिक स्प्रिंग आधारित अस्वचालित (व्यक्ति तोलन मशीन वर्ग प्रकार) सादृश्य सूचन तोलन उपकरण है। इसकी अधिकतम क्षमता 120 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 500 ग्रा. है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 50 ग्राम या उससे अधिक के "ई" मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 100 कि.ग्रा. से अधिक और 150 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(323)/2003]

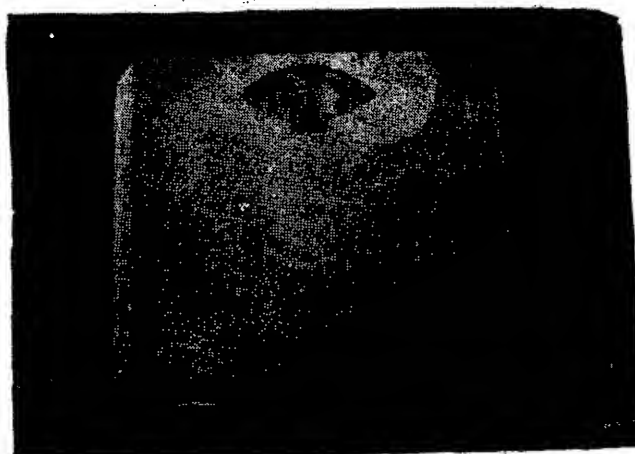
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1327.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing instrument (mechanical person weighing machine square type) with analogue indication (herein after referred to as the said model) belonging to ordinary accuracy class (Accuracy Class-III) with brand name "PARAM" manufactured by M/s. Param Weighing Systems, 7, Ramanand Complex, Gadital, Hadapsar, Pune-411028 and which is assigned the approval mark IND/09/05/719;

The said Model is a mechanical spring based non-automatic weighing instrument (Person weighing machine square type) with analogue indication of maximum capacity 120kg and minimum capacity of 5kg. The value of verification scale interval 'e' is 500g.



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 100kg and up to 150kg and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 50g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

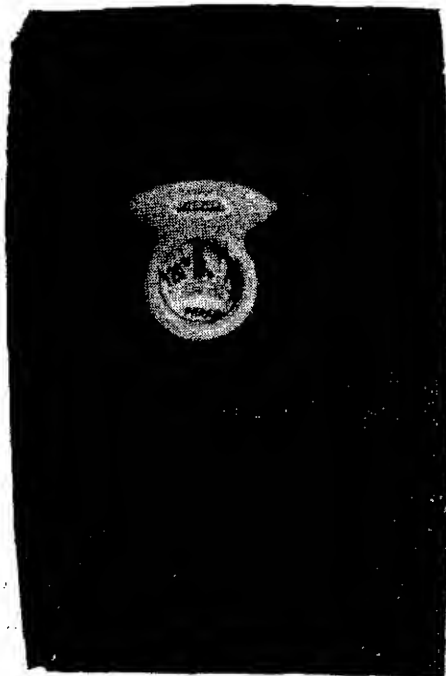
[F. No. WM-21(323)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

नई दिल्ली, 14 मार्च, 2006

का.आ. 1328.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स परम वेइंग सिस्टम्स, 7, रामानंद कांपलैक्स, गाडीताल, हदापसर, पुणे-411028 द्वारा निर्मित साधारण यथार्थता वर्ग (यथार्थता वर्ग-III) वाले शृंखला के सादृश्य सूचन सहित, अस्वचालित तोलन उपकरण (यांत्रिक व्यक्ति तोलन मशीन गोल प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'परम' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/720 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल यांत्रिक सिंग आधारित अस्वचालित (व्यक्ति तोलन मशीन गोल प्रकार) सादृश्य सूचन तोलन उपकरण है। इसकी अधिकतम क्षमता 120 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 500 ग्रा. है।

उपरोक्त मॉडल के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 50 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 100 कि.ग्रा. से अधिक और 150 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू.एम.-21(323)/2003]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March. 2006

S.O. 1328.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (mechanical Person weighing machine round type) with analogue indication (herein after referred to as the said model) belonging to ordinary accuracy class (Accuracy class-III) with brand name "PARAM" manufactured by M/s. Param Weighing Systems, 7, Ramanand Complex, Gadital, Hadapsar, Pune-411028 and which is assigned the approval mark IND/09/05/720;



The said model is a mechanical spring based non-automatic weighing instrument (Person weighing machine round type) with analogue indication of maximum capacity 120kg. and minimum capacity of 5kg. The value of verification scale interval 'e' is 500g.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 100kg. and upto 150kg. and with number of verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 50g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

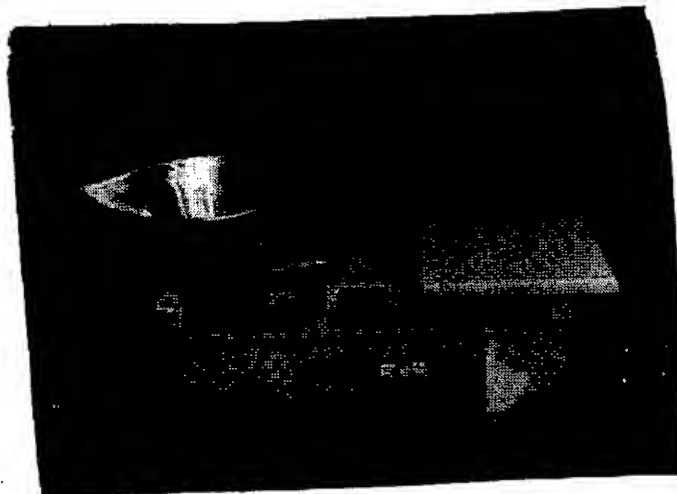
[F. No. WM-21(323)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1329.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स परम वेइंग सिस्टम्स, 7, रामानंद कॉपलैक्स, गाडीताल, हदापसर, पूणे-411028 द्वारा निर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम 'परम' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/721 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक काउंटर मशीन है। इसकी अधिकतम क्षमता 5 कि. ग्रा. है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं।

[फा.सं. डब्ल्यू.एम-21(323)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1329.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of counter machine with brand name "PARAM" manufactured by M/s. Param Weighing Systems, 7, Ramanand Complex, Gadital, Hadapsar, Pune-411028 and which is assigned the approval mark IND/09/05/721;

The said model (see the figure given below) is a counter machine with maximum capacity of 5kg.



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500 g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

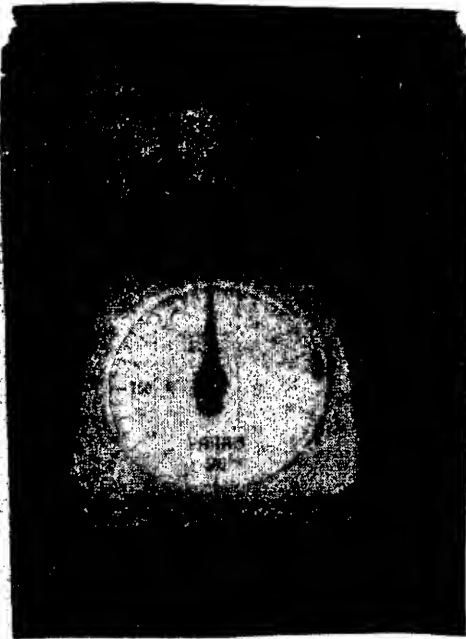
[F. No. WM-21(323)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का.आ. 1330.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स परम वेइंग सिस्टम्स, 7, रामानंद कॉन्प्लैक्स गाडीताल, हदापसर, पुणे-411028 द्वारा निर्मित साधारण यथार्थता (यथार्थता वर्ग-III) वाले श्रृंखला के सदैव सूचन सहित, अस्वंचालित तोलन उपकरण (स्प्रिंग तुला-डायल) के माडल का, जिसके ब्रांड का नाम 'परम' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/722 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल स्प्रिंग आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि. ग्रा. और न्यूनतम क्षमता 5 कि. ग्रा. है। मापन का परिणाम डायल द्वारा उपदर्शित किया जाता है। सत्यापन मापमान का अन्तराल (ई) का मान 500 ग्राम है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 100 कि. ग्रा. से 150 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(323)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

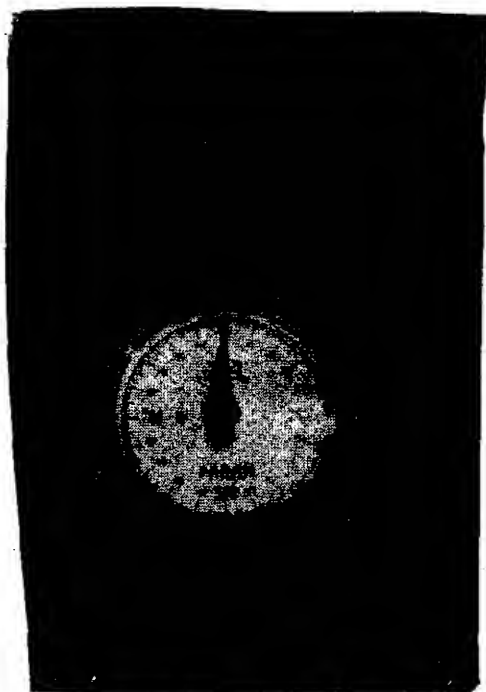
New Delhi, the 14th March, 2006

S.O. 1330.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument with analogous indication, hereinafter referred to as the said Model (Spring balance-Dial type) of ordinary accuracy (Accuracy class-III) and with brand name "PARAM" manufactured by M/s. Param Weighing Systems, 7, Ramanand Complex, Gadital, Hadapsar, Pune-411028 and which is assigned the approval mark IND/09/05/722;

The said Model (see the figure given below) is a spring based weighing instrument with a maximum capacity of 100kg. and minimum capacity of 5kg. The verification scale interval (e) is 500g. The result of measurement is indicated by a dial.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range from 50 kg. and upto 500 kg. and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said model has been manufactured.

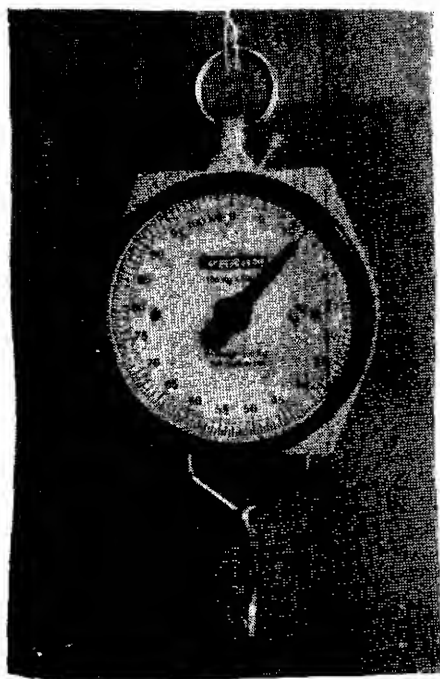
[F. No. WM-21(323)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का.आ. 1331.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स परम वेइंग सिस्टम्स, 7, रामानंद कंपलैक्स, गाडीताल, हदापसर, पुणे-411028 द्वारा निर्मित साधारण यथार्थता (यथार्थता वर्ग-III) वाले सट्टय सूचन सहित, अस्वचालित तोलन उपकरण (यांत्रिक किचिन तोलन मशीन डायल प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'परम' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/723 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल कुण्डलीदार स्प्रिंग आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 2 कि. ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान का अन्तराल (ई) का मान 10 ग्रा. है। मापन का परिणाम डायल द्वारा उपदर्शित किया जाता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(323)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

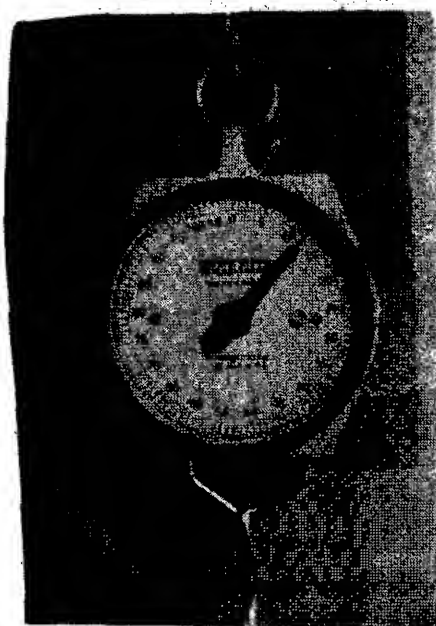
New Delhi, the 14th March, 2006

S.O. 1331.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument with analogue indication herein after referred to as the said Model (Mechanical Kitchen weighing machine Dial type) of ordinary accuracy (Accuracy class-III) and with brand name "PARAM" manufactured by M/s. Param Weighing Systems, 7, Ramanand Complex, Gadital, Hadapsar, Pune-411028 and which is assigned the approval mark IND/09/05/723;

The said Model (see the figure given below) is a helical spring based weighing instrument with a maximum capacity of 2 kg. and minimum capacity of 200 g. The verification scale interval (e) is 10 g. The result of measurement is indicated by a dial.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said model has been manufactured.

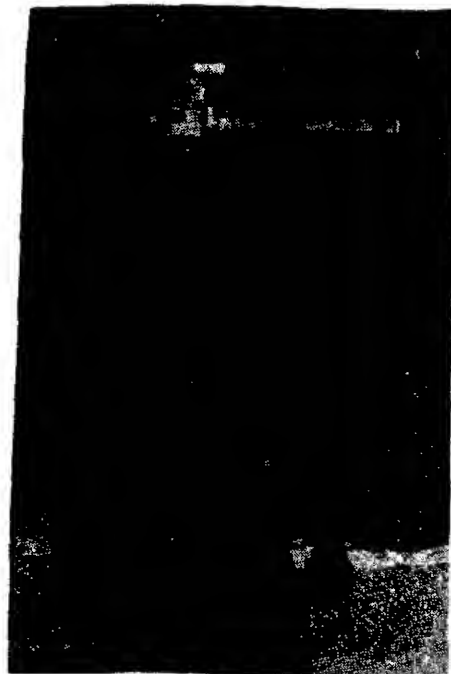
[F. No. WM-21(323)/2003]

P. A. KRISHNAMOORTHY, Director Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का.आ. 1332.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स परम वेइंग सिस्टम्स, 7, रामानंद कांप्लेक्स, गाडीताल, हदापसर, पुणे-411028 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) सट्टय सूचन सहित, अस्वचालित तोलन उपकरण (यांत्रिक प्लेट फार्म मशीन) के मॉडल का, जिसके ब्रांड का नाम "परम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/724 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल कंपाउंड लोवर पर आधारित यांत्रिक स्टीलयार्ड प्रकार अस्वचालित (यांत्रिक प्लेटफार्म मशीन) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है।

प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए भी सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

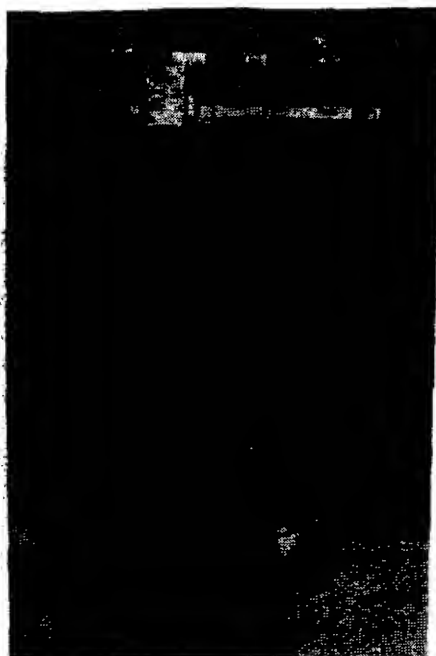
[फा. सं. डब्ल्यू एम-21(323)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1332.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (platform machine-pro weight type) with analogue indication (hereinafter referred to as the said model) of medium accuracy (Accuracy class-II) and with brand name "PARAM" manufactured by M/s Param Weighing Systems, 7, Ramanand Complex, Gadital, Hadapsar, Pune-411 028 and which is assigned the approval mark IND/09/05/724;



The said model is a mechanical type lever based non-automatic weighing instrument (platform machine-pro weight type) with a maximum capacity of 300kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 1000kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

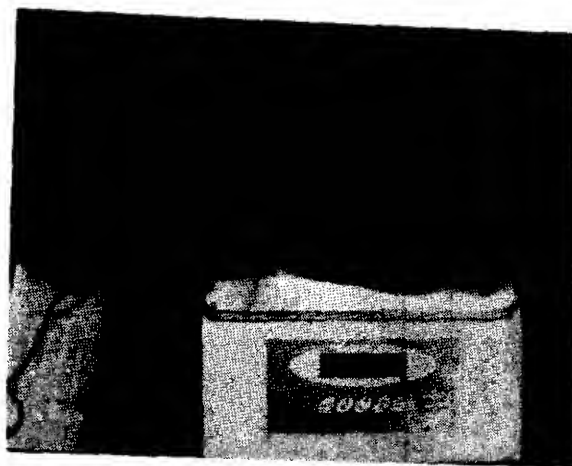
[F. No. WM-21(323)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1333.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स परम वेइंग सिस्टम्स, 7, रामानंद कांन्लैक्स, गाडीताल, हदापसर, पुणे-411028 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “परम 008” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “परम” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/725 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 11 कि. ग्रा. और न्यूनतम क्षमता 5 ग्राम. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्राम. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 5000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

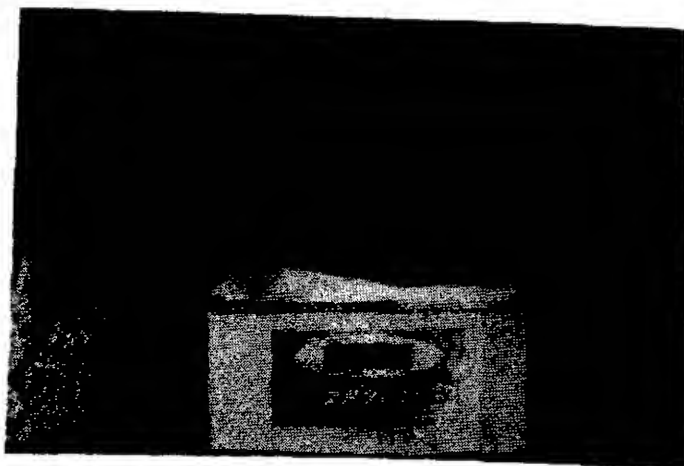
[फा. सं. डब्ल्यू एम-21(323)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1333.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with a digital indication (hereinafter referred to as the said model) of series PARAM-008 of high accuracy (Accuracy class-II) and with brand name "PARAM" manufactured by M/s Param Weighing Systems, 7, Ramanand Complex, Gadital, Hadapsar, Pune-411 028 and which is assigned the approval mark IND/09/05/725;



The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 11kg and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(323)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1334.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स परम वेइंग सिस्टम्स, 7, रामानंद कॉम्प्लेक्स, गाडीताल, हदापसर, पुणे-411028 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “परम 007” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “परम” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/726 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. से अधिक और 500 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(323)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1334.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of series PARAM-007 hereinafter referred to as the said model of medium accuracy (Accuracy class-III) and with brand name "PARAM" manufactured by M/s Param Weighing Systems, 7, Ramanand Complex, Gadital, Hadapsar, Pune-411 028 and which is assigned the approval mark IND/09/05/726;



The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply:

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

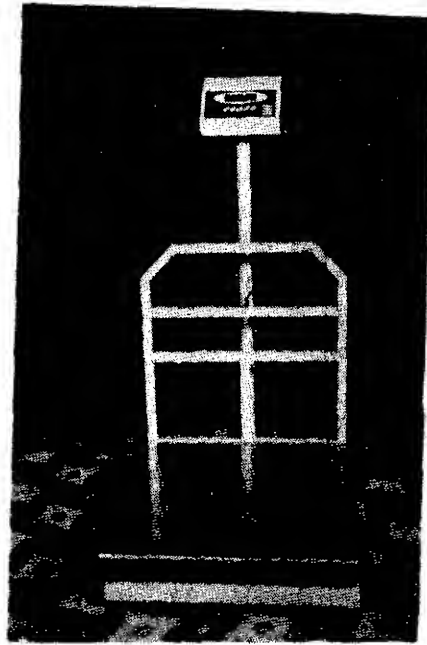
[F. No. WM-21(323)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1335.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स परम वेइंग सिस्टम्स, 7, रामानंद कांपलैक्स, गाडीताल, हदापसर, पुणे-411028 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "परम 010" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "परम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/727 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 600 कि. ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(323)/2003]

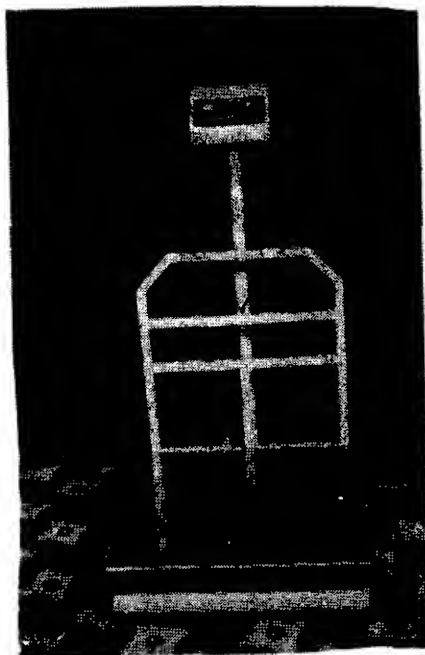
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1335.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of series PARAM-010 hereinafter referred to as the said model of high accuracy (Accuracy class-II) and with brand name "PARAM" manufactured by M/s Param Weighing Systems, 7, Ramanand Complex, Gadital, Hadapsar, Pune-411 028 and which is assigned the approval mark IND/09/05/727

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600kg and minimum capacity of 2.5kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply:



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity ranging above 50kg to 1000kg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

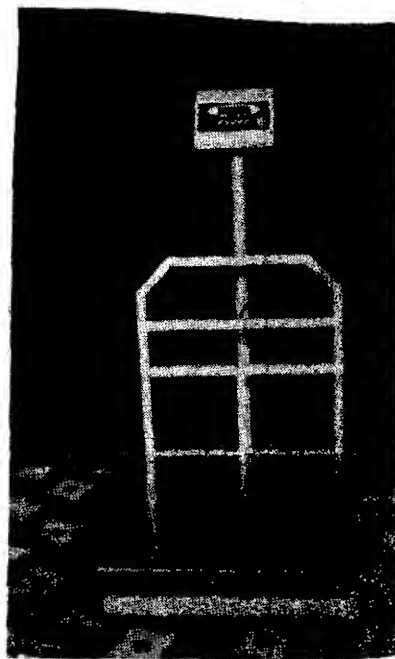
[F. No. WM-21(323)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2006

का. आ. 1336.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स परम वेइंग सिस्टम्स, 7, रामानंद कांपलैक्स, गाडीताल, हदापसर, पुणे-411028 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "परम 009" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "परम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/728 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

मिगिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए भी सीलबंद भी किया जाएगा।

केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

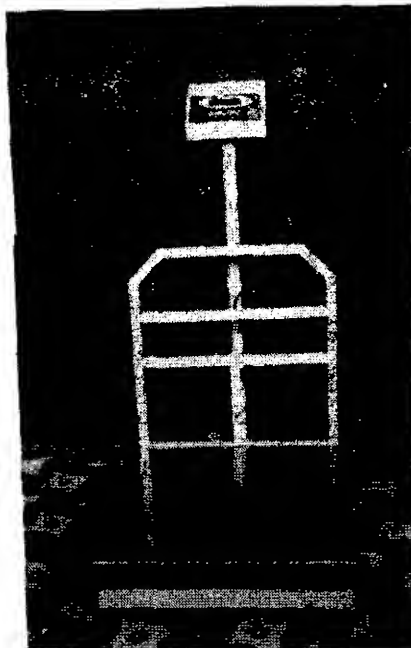
[फा. सं. डब्ल्यू एम-21(323)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2006

S.O. 1336.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating non-automatic (Platform type) weighing instrument with digital indication of series PARAM-009 herein after referred to as the said Model of medium accuracy (Accuracy class-III) and with brand name "PARAM" manufactured by M/s Param Weighing Systems, 7, Ramanand Complex, Gadital, Hadapsar, Pune-411 028 and which is assigned the approval mark IND/09/05/728:



The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 500kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply:

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(323)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 17 मार्च, 2006

का.आ. 1337.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं और वापस ले लिये गये हैं :

अनुसूची

क्र. सं.	रद्द किये गये मानक की संख्या और वर्ष	भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) में का.आ. संख्या और तिथि प्रकाशित	टिप्पणी
(1)	(2)	(3)	(4)
1	आईएस 1777:1978	दिसम्बर 2005	—
2	आईएस 1913 (भाग 1):1978	दिसम्बर 2005	—

[सं. ईटीडी/जी-63(ए)]

पी.के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत तकनीकी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 17th March, 2006

S.O. 1337.—In pursuance of clause (b) of sub-rule(1) of Rule 7 of the Bureau of Indian Standards Rules, it is hereby notified that the Indian Standards, Particulars of which are mentioned in the Schedule give hereafter, have been cancelled and stand withdrawn.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Cancelled	S.O No. & Date published in the Gazette of India Part-II, Section-3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1	IS 1777:1978	December 2005	—
2	IS 1913 (Part I):1978	December 2005	—

[No. ETD/G-63(A)]

P. K. MUKHERJEE, Sc.-F & Head (Electrotechnical)

नई दिल्ली, 20 मार्च, 2006

का.आ. 1338.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्र. सं.	स्थापित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 3024:2006—दिशात्मक कण विद्युत इस्पात की चदर एवं पत्ती—(दूसरा पुनरीक्षण)	आईएस 3024:1997	फरवरी 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 4/टी-69]

एस. के. गुप्ता, वैज्ञानिक-‘एफ’ एवं प्रमुख (एमटीडी)

New Delhi, the 20th March, 2006

S.O. 1338.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 3024:2006-Grain Oriented Electrical Steel Sheet and Strip (Second Revision)	IS 3024 : 1997	February 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD4/T-69]

S. K. GUPTA, Scientist F & Head (MTD)

नई दिल्ली, 27 मार्च, 2006

का.आ. 1339.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं :—

अनुसूची

क्र. सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 14700 (भाग 4/अनुभाग 7): 2006 आई ई सी 61000-4-7(2002) विद्युत चुम्बकीय संगतता (ई. एम. सी.) भाग 4 परीक्षण एवं मापन तकनीकें अनुभाग 7 संसगत तथा अंतर-संसगत एवं विद्युत प्रदाय प्रणाली तथा उससे लगे हुए उपस्कर के लिए सामान्य मार्गदर्शिका	—	जनवरी 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एल टी डी/जी-75]

सुखबीर सिंह, प्रमुख (एल आई टी डी)

New Delhi, the 27th March, 2006

S.O. 1339.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 14700(Part 4/Sec 7):2006/IEC 61000-4-7(2002) Electromagnetic compatibility (EMC) Part 4 Testing and measurement techniques Sec 7 General guide on harmonics and interharmonics measurements and instrumentation for power supply systems and equipment connected thereto.	—	January 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: LITD/G-75]

SUKHBIR SINGH, Head (LITD)

नई दिल्ली, 28 मार्च, 2006

क्र.आ. 1340.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं :—

अनुसूची

क्र. सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 12467 (भाग 2):2006 वस्त्रादि सोफासाजी के फर्नीचर की ज्वलनशीलता का आकलन भाग 2 ज्वलन स्रोत : माचिस की ज्वाला के समान (पहला पुनरीक्षण)	आई एस 12467:1988	मार्च 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टीएक्सडी/जी 25]

एम. एस. वर्मा, निदेशक एवं प्रमुख (टीएक्सडी)

New Delhi, the 28th March, 2006

S.O. 1340.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any. Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 12467(Part 2):2006 Textiles—Assessment of the ignitability of upholstered furniture Part 2 Ignition source : Match flame equivalent (first revision)	IS 12467:1988	March 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : TXD/G-25]

M. S. VERMA, Director & Head (Textiles)

नई दिल्ली, 28 मार्च, 2006

क.आ. 1341.—भारतीय मानक ब्यूरो नियम 1987 के नियम, 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 1381 (भाग 2):1977 क्वथन फ्लास्क की विशिष्टि-भाग 2 शंकवाकार धिसे सॉकेट सहित फ्लास्क (प्रथम पुनरीक्षण)	संशोधन की संख्या 1, फरवरी 2006	28 फरवरी 2006
2	आई एस 1997:1982 ब्यूरोट की विशिष्टि (दूसरा पुनरीक्षण)	संशोधन की संख्या 1, जनवरी 2006	15 मार्च 2006
3	आई एस 2553 (भाग 1):1990 सुरक्षा कांच-विशिष्टि भाग 1 सामान्य प्रयोजन (तीसरा पुनरीक्षण)	संशोधन की संख्या 5, जनवरी 2006	01 अप्रैल 2006
4	आई एस 3438:1994 सामान्य प्रयोजन के लिए रजलित कांच के दर्पण-विशिष्टि (दूसरा पुनरीक्षण)	संशोधन की संख्या 2, जनवरी 2006	15 मार्च 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहदुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी-10/आई एस 1381 (Part 2)]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, विदेशक एवं प्रमुख (रसायन)

New Delhi, the 28th March, 2006

S.O. 1341.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and title of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 1381 (Part 2):1977 Specification for boiling flasks Part 2 Flasks with conical ground socket (First Revision)	Amendment No. 1, February 2006	28 February, 2006
2	IS 1997:1982 Specification for burettes (Second Revision)	Amendment No. 1, January 2006	15 March, 2006
3	IS 2553 (Part 1):1990 Safety glass—Specification Part 1 General purpose (Third Revision)	Amendment No. 5, January 2006	01 April, 2006
4	IS 3438:1994 Silvered glass mirrors for general purposes—Specification (Second Revision)	Amendment No. 2, January 2006	15 March, 2006

Copy to these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CHD 10/T-1381 (Part 2)]

Dr. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 28 मार्च, 2006

का.आ. 1342.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्र. सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 8017:1988 प्रदीपन उपकरण के साथ प्रयुक्त कांचाभ इनैमलित परावर्तकों की विशिष्टि (प्रथम पुनरीक्षण)	संशोधन की संख्या 1, फरवरी 2006	28 फरवरी, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 9/टी-8017]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 28th March, 2006

S.O. 1342.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and title of the Indian Standards	No. and year of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 8017:1988 Specification for vitreous enamelled reflectors for use with illuminating device (First Revision)	Amendment No. 1, February 2006	28 February 2006

Copy to these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CHD 9/T-8017]

Dr. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 28 मार्च, 2006

का.आ. 1343.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7, उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्र. सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 13490 :1992 विशिष्ट गैसों के प्रहस्तन की रीति संहिता	संशोधन की संख्या 1, फरवरी 2006	28 फरवरी 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 6/टी-13490]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 28th March, 2006

S.O. 1343.—In pursuance of clause (b) of sub-rule (1) of Rule (7) of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and title of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 13490 :1992 Code of Practice for Handling of Speciality Gases	Amendment No. 1, February 2006	28 February 2006

Copy to these Standards are available for sale with the Bureau of Indian Standards, Manak Bavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CHD 6/T-13490]

Dr. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 28 मार्च, 2006

का.आ. 1344.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्र. सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1	आई एस 427:2005 अपेक्षित रंग के शुष्क डिस्टेम्पर—विशिष्ट (दूसरा पुनरीक्षण)	—	15 अप्रैल, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 20/आई एस 427]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 28th March, 2006

S.O. 1344.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. & year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
1	2	3	4
1	IS 427 : 2005 Distemper, Dry, Colour as Required – Specification (Second Revision)	—	15 April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CHD 20/IS 427]

Dr. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 28 मार्च, 2006

का.आ. 1345.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्र. सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नए भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1	आई एस 438:2006 विस्फोटक और आतिशबाजी संघटन के लिए एल्युमिनियम पाउडर—विशिष्ट (दूसरा पुनरीक्षण)	—	31 जनवरी 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 26/आई एस 438]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 28th March, 2006

S.O. 1345.—In pursuance of clause (b) of sub-rule(1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 438:2006 Aluminium powder for Explosives and Pyrotechnic Compositions—specification (Second Revision)	—	31 January, 2006

Copy this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CHD 26/IS 438]

Dr. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 28 मार्च, 2006

क.आ. 1346.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्र. सं.	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नए भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 3025 (भाग 58):2006 जल और अपशिष्ट जल के नमूने लेने तथा परीक्षण (भौतिक एवं रसायन) की पद्धतियाँ भाग 58 रसायन ऑक्सीजन माँग (सीओडी) (पहला पुनरीक्षण)	—	28 फरवरी, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 32/आई एस 3025 (भाग 58)]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 28th March, 2006

S.O. 1346.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 3025(Part 58):2006 Methods of Sampling and Test (Physical and Chemical) for Water and Wastewater Part 58, Chemical Oxygen Demand (COD) (First Revision)	—	28 February, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CHD 32/IS 3025(Part 58)]

Dr. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 28 मार्च, 2006

क.आ. 1347.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद् द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्र. सं.	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नए भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 4847:2006 विद्युतलेपन के लिए कॉपरसाल्ट-विशिष्ट (दूसरा पुनरीक्षण)	—	31 जनवरी, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहदुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 1/आई एस 4847]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 28th March, 2006

S.O. 1347.—In pursuance of clause (b) of sub-rule(1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 4847:2006 Copper Salts for Electroplating Specification (Second Revision)	—	31 January, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CHD 1/IS 4847]

Dr. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 28 मार्च, 2006

का.आ. 1348.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्र. सं.	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नए भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1	आई एस 9457:2005 सुरक्षा रंग और सुरक्षा चिन्ह—रीति संहिता (पहला पुनरीक्षण)	—	31 दिसम्बर, 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 8/आई एस 9457]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 28th March, 2006

S.O. 1348.—In pursuance of clause (b) of sub-rule(1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
1	2	3	4
1	IS 9457:2005 Safety colours and Safety Signs—Code of Practice (First Revision)	—	31 December, 2005

Copy this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CHD 8/IS 9457]

Dr. U. C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 31 मार्च, 2006

का.आ. 1349.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद् द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानकों (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्र. सं.	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	2	3	4
1	9128:1999 हेवी ड्यूटी शुष्क बैटरियाँ-विशिष्ट (पहला पुनरीक्षण)	02 मार्च, 2006	29 मार्च, 2006

इस भारतीय संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 10/टी-19]

पी. के. मुखर्जी, वैज्ञानिक-एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 31st March, 2006

S.O. 1349.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 9128:1999, Heavy duty dry batteries—Specification (First Revision)	02, March, 2006	29 March, 2006

Copy of this Amendment is available with the Bureau of Indian Standards, Manak Bavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : ET 10/T-19]

P. K. MUKHERJEE, Sc.-F & Head (Electrotechnical)

नई दिल्ली, 3 अप्रैल, 2006

का.आ. 1350.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्र. सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	IS 15641 (Part 1) : 2006/ISO 10101—1:1993 प्राकृतिक गैस-कार्ल फिशर पद्धति द्वारा जल ज्ञात करना भाग 1 परिचय	कुछ नहीं	जनवरी, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पीसीडी/जी/-7 (गजट)]

डॉ. डी. के. चौधरी, वैज्ञ.—एफ एवं प्रमुख (पी सी डी)

New Delhi, the 3rd April, 2006

S.O. 1350.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. year and title of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1	IS 15641(Part 1):2006/ISO 10101-1:1993 Natural Gas—Determination of water by the Karl Fischer Method Part-1 Introduction	None	January, 2006

Copy to this Standard is available for sale with the Bureau of Indian Standards, Manak Bavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : PCD/G-7 (Gazette)]

Dr. D. K. CHAUDHURI, Sc.-F & Head (PCD)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 मार्च, 2006

का.आ. 1351—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3732 तारीख 7-10-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में थुलेंदी से फूलपुर पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 30 अक्टूबर, 2005 की उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विलसंगनों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
इलाहाबाद	फूलपुर	कनेहटी	970	0.2250
			971	0.0800
			974	0.0320
			976	0.0080

1	2	3	4	5
			1078	0.1800
			कुल	0.5250
	बसौधा		247	0.3262
			कुल	0.3262

[का. सं. एल-14014/4/05-जी.पी. (भाग-II)]

एस. बी. मण्डल, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 29th March, 2006

S.O. 1351.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. No. 3732, dated 7-10-2005 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas from Thulendi to Phoolpur pipeline project in the State of Uttar Pradesh by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on 30th October, 2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report of the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Allahabad	Phoolpur	Kanehati	970	0.2250
			971	0.0800
			974	0.0320
			976	0.0080
			1078	0.1800
			TOTAL	0.5250
		Basoudha	247	0.3262
			TOTAL	0.3262

[F. No. L-14014/4/2005-G.P. (Pt. II)]
S. B. MANDAL, Under Secy.

नई दिल्ली, 29 मार्च, 2006

का. आ. 1352.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3742 तारीख 7-10-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में थुलेन्डी से फूलपुर पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता की तारीख 30 अक्टूबर, 2005 की उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन

बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू अर्जित करने के लिए क्षेत्रफल (हैक्टेयर में)
1	2	3	4	5
राय बरेली	सलोन	रोखा	1104	0.0010
			1072	0.0025
			1066	0.1500
			1067	0.0570
			4109	0.0250
			4108	0.0550
			4107	0.0563
			4106	0.0200
			4104	0.0032
			4105	0.0156
			4100	0.0312
			4103	0.0234
			4101	0.1225
			4064	0.0125
			4092	0.0175
			4066	0.0350
			4090	0.0225
			4077	0.0450
			1096	0.1012
			1077	0.1313
			4088	0.0350
			कुल	0.9627

[फा. सं. एल-14014/4/05-जी.पी. (भाग-II)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 29th March, 2006

S.O. 1352.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3732 dated 7-10-2005 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas from Thulendi to Phoolpur

pipeline project in the State of Uttar Pradesh by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on 30th October, 2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Rai Bareilly	Salon	Rokha	1104	0.0010
			1072	0.0025
			1066	0.1500
			1067	0.0570
			4109	0.0250
			4108	0.0550
			4107	0.0563
			4106	0.0200
			4104	0.0032
			4105	0.0156
			4100	0.0312
			4103	0.0234
			4101	0.1225
			4064	0.0125
			4092	0.0175
			4066	0.0350
			4090	0.0225
			4077	0.0450
			1096	0.1012

1	2	3	4	5
			1077	0.1313
			4088	0.0350
			TOTAL	0.9627

[F. No. L-14014/4/2005-G.P. (Pt. II)]
S. B. MANDAL, Under Secy.

नई दिल्ली, 29 मार्च, 2006

का.आ. 1353.—केन्द्रीय सरकार को, लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में दहेज-हजोरा-उरान एवं स्पर पाइपलाइनों द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री के. एन. कशिवले, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, गेल आशियाना भवन सैक्टर 8बी, 3 डी 2, सी.बी.डी., बेलापुर, नवी मुम्बई-400 614 (महाराष्ट्र) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
ठाणे	कल्याण	उतने	74/19	00-03-00
			116/0	00-30-00
			21/2/1'	00-19-00
			21/2/2'	00-20-00
ठाणे	डहाणू	वाधाडी	290/0	00-30-90
			46/0	00-11-90
ठाणे	डहाणू	देउर	122	00-25-00
			135/0	00-13-00
रायगड	पनवेल	वाकडी	139/0	00-16-00
			65/1'	00-10-50
रायगड	पनवेल	मोहो	65/7'	00-02-00
			81/1ए	00-02-00
			40/4बी	00-01-00

1	2	3	4	5
रायगढ़	पनवेल	कोहो	40/6	00-03-00
			14/1ए	00-22-83
			14/1बी	00-10-00
			38/5	00-02-00
			81/5	00-02-00
रायगढ़	पनवेल	चिभ्रण	रोड	00-12-00
रायगढ़	पनवेल	नैरे	163	00-04-50
ठाणे	विक्रमगढ़	आपटी	104/0	00-00-50
		बुद्रुक		
ठाणे	भिवंडी	लाप	114	00-02-29
		बुद्रुक		
			180/3'	00-01-00
			103/0'	00-01-00
ठाणे	भिवंडी	जांभिवली	61/1पी	00-05-60
ठाणे	भिवंडी	खलिंग बुद्रुक	23	00-01-11
ठाणे	वाडा	मुसारणे	397/0	00-12-00
			356/0	00-03-40
			387/0	00-05-00
ठाणे	वाडा	बेलोसी	205	00-22-00

[फा. सं. एल-14014/23/05-जी.पी. (भाग-1)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 29th March, 2006

S.O. 1353—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahej-Hazira-Uran and its spur pipelines in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri K.N. Kashivale, Competent Authority, GAIL (India) Limited, GAIL Ashiyana Building, Sector 8B, 3D2, C.B.D., Belapur, Navi Mumbai-400614 (Maharashtra).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Thane	Kalyan	Utane	74/19	00-03-00
Thane	Kalyan	Mahaskal	116/0	00-30-00
Thane	Kalyan	Rundhe	21/2/1'	00-19-00
			21/2/2'	00-20-00
Thane	Dahanu	Vaghadi	290/0	00-30-90
			46/0	00-11-90
Thane	Dahanu	Dewoor	122	00-25-00
Raigad	Panvel	Vakadi	135/0	00-13-00
			139/0	00-16-00
Raigad	Panvel	Moho	65/1'	00-10-50
			65/7'	00-02-00
			81/1A	00-02-00
			40/4B	00-01-00
			40/6	00-03-00
			14/1A	00-22-83
			14/1B	00-10-00
			38/5	00-02-00
			81/5	00-02-00
Raigad	Panvel	Chindran Road		00-12-00
Raigad	Panvel	Nere	163	00-04-50
Thane	Vikramgad	Apti	104/0	00-00-50
		Budruk		
Thane	Bhiwandi	Lap	114	00-02-29
		Budruk		
			180/3'	00-01-00
			103/0	00-01-00
Thane	Bhiwandi	Jambhivali		61/1P
00-05-60				
Thane	Bhiwandi	KhalingBK		23
00-01-11				
Thane	Wada	Musarne	397/0	00-12-00
			356/0	00-03-40
			387/0	00-05-00
Thane	Wada	Biloshi	205	00-22-00

[F. No. L-14014/23/05-G.P. (Pt. I)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 29 मार्च, 2006

का. आ. 1354.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2059 एवं 2060 तारीख 22-07-2003, का.आ. 2461 तारीख 19-08-2003, का.आ. 740(अ) तारीख 25-06-2004, का.आ. 858(अ) तारीख 29-07-2004, और का.आ. 1415(अ) तारीख 24-12-2004, द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गैल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में दहेज-हजीरा-उरान-धाबोल पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचनाओं की प्रतियां जनता को तारीख 10-03-2003 से 01-12-2004 और 15-11-2005 से 15-01-2006 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हैक्टेयर में)
1	2	3	4	5
रायगढ़	पनवेल	नेरे	153/5	00-15-00
			153/9	00-02-00
			50/4	00-16-00
			160/पी	00-15-00
			153/18	00-31-00
रायगढ़	पनवेल	पळस्पे	135/0'	00-01-00
			8/ए2	00-45-00
			8/1	00-01-00
			131/1	00-01-00
रायगढ़	पनवेल	कोळखे	11	00-05-00
			12	00-16-00
			31	00-10-00
रायगढ़	पनवेल	कोन	22/4	00-01-00
रायगढ़	पनवेल	विहिधर	29	00-60-00
रायगढ़	पनवेल	निताळ	93/2	00-18-00

1	2	3	4	5
			103	00-07-00
			87	00-18-00
			85	00-11-00
			4	00-12-00
रायगढ़	पनवेल	बाकडी	15/1	00-13-00
			15/3	00-15-00
			15/4	00-02-00
			146/0	00-19-50
रायगढ़	पनवेल	चिखले	75/3	00-21-00
			75/2	00-23-00
			60/4	00-08-00
			59/3	00-01-00
			61/4	00-09-00
			59/2	00-01-00
			59/4	00-07-00
रायगढ़	पनवेल	चिखले	76/5	00-08-00
			75/1	00-02-00
			74/2	00-03-00
			61/7	00-05-00
			10/0	00-05-00
			48/5	00-20-00
रायगढ़	पनवेल	मोहो	31/0	00-03-00
			65/3	00-06-00
			65/5	00-01-00
			65/6	00-02-00
			65/8	00-08-00
			81/4	00-00-50
			82/1	00-42-00
			16/5	00-14-00
			14/0	00-20-00
रायगढ़	पनवेल	खानव	59	00-11-00
रायगढ़	पनवेल	चिधरण	26/7	00-01-00
रायगढ़	पनवेल	महोदर	165/11	00-30-00
			160/8	00-17-00
			160/9	00-03-00
			65/3	00-08-00
			65/4	00-08-00
			63/1	00-30-00
			50/1	00-14-00
			50/4	00-14-00
			255	00-30-00
			165/10	00-08-00
रायगढ़	पनवेल	नितलस	254	00-12-00
			246	00-26-00
			240	00-04-00
			236	00-04-00
			235	01-06-00

1	2	3	4	5	1	2	3	4	5
ठाणे	अंबरनाथ	शिरवली	30	00-21-00	ठाणे	भिवंडी	लाप बुद्रुक	111/16	00-14-00
ठाणे	अंबरनाथ	आंभे	18	00-02-00				150/0	00-01-00
			78/9	00-02-00				160/0	00-12-00
ठाणे	अंबरनाथ	चिखलोली	143/4	00-10-00				33/ए/1	00-03-00
			एन. ए.-2	00-42-00				33/बी/2	
			25/5	00-12-00				10/5	00-06-00
ठाणे	कल्याण	चिंचवली	19/2	00-04-00				20/3	00-13-00
ठाणे	कल्याण	उतने	74/4	00-06-00				10/6	00-12-00
ठाणे	कल्याण	रुंदे	84/5	00-04-00				10/7	00-07-00
ठाणे	भिवंडी	सोर	40ए	00-05-00				38	00-07-00
ठाणे	भिवंडी	चिंचवली	42/3	00-03-00				100/3	00-01-00
ठाणे	भिवंडी	खर्लिग बुद्रुक	19/7	00-31-00			किरवली-	159	00-01-00
			115/5	00-04-00			दूरवली	102/3	00-06-00
			114/2	00-01-00				89/5	00-01-00
ठाणे	भिवंडी	लाप बुद्रुक	40	00-34-00			जांभिवली	50/6	00-02-00
			31/ए/1	00-03-00				48/9	00-06-00
			31/ए/3	00-19-00				48/5	00-17-00
			31/ए/6	00-16-00				48/11	00-04-00
			31/ए/7	00-11-00				46/2'	00-01-00
			30/ए/1	00-03-00			गोम्रावली	19/1	00-03-00
			20/1	00-16-00			खरीवली	49/7	00-10-00
			20/2	00-15-00				62/2	00-03-00
			20/4	00-06-00			दिघाशी	45	00-29-00
			41/1	00-17-00				124/7	00-20-00
			41/2	00-11-00				2/5बी	00-08-00
			7/3	00-05-00				2/4	00-16-00
			7/4	00-15-00				85/13	00-12-00
			141/पी	00-14-00			आन्हे	59	00-01-00
			142/1	00-29-00				4	00-05-00
			137/1/1	00-07-00				54	00-12-00
			137/1/2	00-18-00				48	00-06-00
			133/1/1	00-18-00				53बी	00-83-00
			133/1/2	00-19-00				53ए	00-02-00
			127/2	00-04-00				35/2	00-01-00
			127/1	00-11-00				35/1	00-13-00
			97/1	00-33-00				35/3	00-12-00
			97/2	00-10-00				34	00-07-00
			97/3	00-10-00				71	00-16-00
			103/10	00-01-00	ठाणे	वाडा	आंबिस्ते बुद्रुक	448	00-02-00
			103/12	00-17-00				240बी	00-02-00
			103/13	00-05-00			खानिवली	216	00-06-00
			103/14	00-29-00				215	00-08-00
			99/4	00-04-00	ठाणे	वाडा	चिंचघर	216	00-32-00
			99/2	00-07-00			आंबिस्ते खुर्द	74	00-06-00
			42/बी	00-06-00			डोंगस्ते	34/15	00-03-00
			183/पी	00-05-00				37/2	00-18-00
			182/0	00-01-00					

1	2	3	4	5	1	2	3	4	5
ठाणे	वाडा	डोंगस्ते	37/3	00-16-00	ठाणे	डहाणू	खानिव	4	00-10-00
			39/3	00-23-00				58	00-30-00
		कलमखांड	237	00-08-00				59	00-14-00
			194	00-06-00				60	00-11-00
		बुधावली	193	00-18-00			वाघाडी	319	00-15-00
			188	00-12-00				39	00-04-00
		मुसारणे	377	00-04-00		तलासरी	सुत्रकार	134	00-34-50
			399	00-05-00				308	00-01-00
			398	00-10-00		तलासरी	अणवीर	111	00-28-00
	विक्रमगड	मुरबाड	273	00-07-00	[फा. सं. एल-14014/23/05-जी.पी. (भाग-I)]				
		कुर्णे	192	00-04-00	एस. बी. मण्डल, अवर सचिव				
			195	00-22-00	New Delhi, the 29th March, 2006				
			202	00-41-00	<p>S.O. 1354.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number No.S.O. 2059 & 2060 dated 22-07-2003, No. S.O. 2461 dated 19-08-2003, No. S.O. 740(E) dated 25-6-2004, No. S.O. 858(E) dated 29-07-2004 and No. S.O. 1415(E) dated 24-12-2004 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through Dahej-Hazira-Uran-Dhabol Pipeline project in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited;</p> <p>And whereas copies of the said Gazette notifications were made available to the public from 10-03-2003 to 01-12-2004 and 15-11-2005 to 15-01-2006;</p> <p>And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;</p> <p>And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;</p> <p>And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein.</p> <p>Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;</p> <p>And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the</p>				
			198	00-32-00					
			221	00-62-00					
			240	00-83-00					
			306	00-15-00					
			314	00-21-00					
			316	00-41-00					
			476	00-92-00					
			499	00-98-00					
			520	00-71-00					
			531	01-07-00					
		डोलारी	76	01-31-00					
			65	00-04-00					
			68	00-43-00					
			60	00-17-00					
			56	00-62-00					
			47	00-43-00					
			64	01-07-00					
			62	00-07-00					
			57	00-64-00					
			43	00-48-00					
			44	00-40-00					
			45	00-64-00					
			77	00-95-00					
			73	00-33-00					
			69	00-93-00					
			61	00-48-00					
			48	00-78-00					
			42	00-59-00					
ठाणे	डहाणू	धानिवरी	185	00-02-00					
		दापचरी	203	00-02-00					
			557	00-12-00					
			436	00-34-00					
			204	00-10-00					
			179	00-08-00					
			176	00-01-00					
			445	00-81-00					

land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
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1	2	3	4	5
Raigad	Panvel	Nere	153/5	00-15-00
			153/9	00-02-00
			50/4	00-16-00
			160/P	00-15-00
			153/18	00-31-00
		Palaspe	135/0	00-01-00
			8/A2	00-45-00
			8/1	00-01-00
			131/1	00-01-00
		Kolkhe	11	00-05-00
			12	00-16-00
			31	00-10-00
		Kon	22/4	00-01-00
		Vihighar	29	00-60-00
		Nitale	93/2	00-18-00
			103	00-07-00
			87	00-18-00
			85	00-11-00
			4	00-12-00
		Vakadi	15/1	00-13-00
			15/3	00-15-00
			15/4	00-02-00
			146/0	00-19-50
Raigad	Panvel	Chikhale	75/3	00-21-00
			75/2	00-23-00
			60/4	00-08-00
			59/3	00-01-00
			61/4	00-09-00
			59/2	00-01-00
			59/4	00-07-00
		Chikhale	76/5	00-08-00
			75/1	00-02-00
			74/2	00-03-00
			61/7	00-05-00
			10/0	00-05-00
			48/5	00-20-00
		Moho	31/0	00-03-00
			65/3	00-06-00

1	2	3	4	5
			65/5	00-01-00
			65/6	00-02-00
			65/8	00-08-00
			81/4	00-00-50
			82/1	00-42-00
			16/5	00-14-00
			14/0	00-20-00
		Khanav	59	00-11-00
		Chindran	26/7	00-01-00
		Mohodar	165/11	00-30-00
			160/8	00-17-00
			160/9	00-03-00
			65/3	00-08-00
			65/4	00-08-00
			63/1	00-30-50
			50/1	00-14-00
			50/4	00-14-00
			255	00-30-00
			165/10	00-08-00
		Nitalas	254	00-12-00
			246	00-26-00
			240	00-04-00
			236	00-04-00
			235	00-06-00
Thana	Ambernath	Shirawali	30	00-21-00
Raigad		Ambhe	18	00-02-00
			78/9	00-02-00
		Chikhaloli	143/4	00-10-00
			NA-2	00-42-00
Thana	Ambemath	Ambhal	25/5	00-12-00
	Kalyan	Chinchawali	19/2	00-04-00
		Utane	74/4	00-06-00
		Rundhe	84/5	00-04-00
		Sor	40A	00-05-00
		Chinchawali	42/3	00-03-00
		Khaling BK	19/7	00-31-00
			115/5	00-04-00
			114/2	00-01-00
Thana	Bhiwandi	Lap Budruk	40	00-34-00
			31/A/1	00-03-00
			31/A/3	00-19-00
			31/A/6	00-16-00
			31/A/7	00-11-00
			30/A1	00-03-00
			20/1	00-16-00
			20/2	00-15-00
			20/4	00-06-00

1	2	3	4	5	1	2	3	4	5
Thana	Bhiwandi	LapBudruk	41/1	00-17-00	Thana	Bhiwandi	Anhe	59	00-01-00
			41/2	00-11-00				4	00-05-00
			7/3	00-05-00				54	00-12-00
			7/4	00-15-00				48	00-06-00
			141/P	00-14-00				53B	00-83-00
			142/1	00-29-00				53A	00-02-00
			137/1/1	00-07-00				35/2	00-01-00
			137/1/2	00-18-00				35/1	00-13-00
			133/1/1	00-18-00				35/3	00-12-00
			133/1/2	00-19-00				34	00-07-00
			127/2	00-04-00				71	00-16-00
			127/1	00-11-00	Thana	Wada	Ambhiste BK	448	00-02-00
			97/1	00-33-00				240B	00-02-00
			97/2	00-10-00	Thana	Wada	Khanivali	216	00-06-00
			97/3	00-10-00				215	00-08-00
			103/10	00-01-00	Thana	Wada	Chinchghar	216	00-32-00
			103/12	00-17-00	Thana	Wada	Ambhiste KH	74	00-06-00
			103/13	00-05-00					
			103/14	00-29-00	Thana	Wada	Dongeste	34/15	00-03-00
			99/4	00-04-00				37/2	00-18-00
			99/2	00-07-00				37/3	00-16-00
			42/B	00-06-00				39/3	00-23-00
			183/P	00-05-00	Thana	Wada	Kalam Khand	237	00-08-00
			182/0	00-01-00				194	00-06-00
			111/16	00-14-00	Thana	Wada	Bhudha-wali	193	00-18-00
			150/0	00-01-00				188	00-12-00
			160/0	00-12-00	Thana	Wada	Musarne	377	00-04-00
			33/A/1	00-03-00				399	00-05-00
			33/B/2					398	00-10-00
			10/5	00-06-00	Thana	Vikramgad	Murbad	273	00-07-00
			20/3	00-13-00	Thana	Vikramgad	Kurze	192	00-04-00
			10/6	00-12-00				195	00-22-00
			10/7	00-07-00				202	00-41-00
			38	00-07-00				198	00-32-00
			100/3	00-01-00				221	00-62-00
			159	00-01-00				240	00-83-00
Thana	Bhiwandi	Kirawali	102/3	00-06-00				306	00-15-00
			89/5	00-01-00				314	00-21-00
Thana	Bhiwandi	Jambhivali	50/6	00-02-00				316	00-41-00
			48/9	00-06-00				476	00-92-00
			48/5	00-17-00				499	00-98-00
			48/11	00-04-00				520	00-71-00
			46/2	00-01-00				531	00-07-00
Thana	Bhiwandi	Godravali	19/1	00-03-00				76	00-31-00
Thana	Bhiwandi	Kharivali	49/7	00-10-00				65	00-04-00
			62/2	00-03-00				68	00-43-00
Thana	Bhiwandi	Dhighashi	45	00-29-00	Thana	Vikramgad	Dolari BK	60	00-17-00
			124/7	00-20-00				56	00-62-00
			2/5B	00-08-00					
			2/4	00-16-00					
			85/13	00-12-00					

1	2	3	4	5
Thana	Vikramgad	Dolari BK	47	00-43-00
			64	01-07-00
			62	00-07-00
			57	00-64-00
			43	00-48-00
			44	00-40-00
			45	00-64-00
			77	00-95-00
			73	00-33-00
			69	00-93-00
			61	00-48-00
			48	00-78-00
			42	00-59-00
Thana	Dahanu	Dhanivali	185	00-02-00
		Dapcheri	203	00-02-00
			557	00-12-00
			436	00-34-00
			204	00-10-00
			179	00-08-00
			176	00-01-00
			445	00-81-00
		Khaniv	4	00-10-00
			58	00-30-00
			59	00-14-00
			60	00-11-00
		Vaghadi	319	00-15-00
			39	00-04-00
	Talasari	Sutrakar	134	00-34-50
			308	00-01-00
	Talasari	Anvir	111	00-28-00

[F. No. L-14014/23/05-G.P.(Pt.-I)]

S.B. MANDAL, Under Secy.

नई दिल्ली, 29 मार्च, 2006

का. आ. 1355.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1345 (अ) तारीख: 9-12-2004 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में दहेज-हजीरा-उरान (पनवेल-उरान सेक्सन) पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 1-4-2005 से 30-5-2005 तक उपलब्ध करा दी गई थी;

और, पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और, सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिकृत निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गांव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
रायगड	पनवेल	कोलखे	95/3ए	00-11-00
			95/3बी	00-01-00
			96/0	00-01-00
			98/6	
			98/6ए/1	
			98/6बी	00-24-00
			98/6सी	
			98/6डी	
			98/5	00-47-00
		नांदगांव	14/1	00-18-00
			13/2+3	00-10-00
			13/4	00-00-50
			13/1	00-03-00
			13/10	00-01-00
			12/6	00-00-80
			12/5	00-10-00
			12/4	00-00-50
			8/1/8+11	00-06-00
			2/ए/5	
			8/51+बी	
			5सी, 5बी, 5ई	
			9/1, 2+3+	
			5/बी/3	
			9/4	00-20-00
			5/1से9	00-00-50

1	2	3	4	5	1	2	3	4	5
रायगाड़	पनवेल	नांदगांव	4/5	00-03-00	रायगाड़	पनवेल	बडघर	68/बी/1	00-43-00
			3/4बी	00-04-00		उरण	धुलूम	38/17ए	00-08-00
			4/2	00-04-00				38/17बी	00-09-00
			4/1	00-02-00				40/1एबी	00-02-80
			4/3बी	00-23-00				40/6ए	00-11-00
			4/3ए(1)	00-04-00				42/2बी1, 2	00-01-00
			4/6	00-00-50				42/9	00-01-00
			3/5	00-17-00				42/5+7बी	00-03-00
			2/1	00-03-00				42/6+7सी	00-06-00
			4/7बी	00-04-00				6ए	00-06-00
		पारगांव	92	00-01-00				8/7ए, बी	00-00-50
		मानघर	91/1, 91/2	00-02-00				6/1	00-01-00
			88/1, 88/2	00-12-00				7/1	00-07-00
			43/1, 2	00-07-00				8/8ए, बी	00-09-00
			44/1, 44/2	00-21-00				38/14एबी	00-03-00
			80/1, 80/2	00-03-00				40/5	00-14-00
			81/0	00-27-00				42/3एबी	117/2/ए/बी
			89/1, 89/2	00-28-00			जासई	117/2/ए/1	00-32-00
			87/1, 87/2					117/2/ए/1बी	
			87/3					117/2ए/2	00-36-00
		कुंडे महाल	31/4	00-13-00				117/2A/1/2ए/2	00-10-00
			31/1	00-02-00				117/2ए/3	
			31/3	00-13-00				117/2	
			31/2	00-04-00				116/1	
			30/2	00-13-00				116/2	
		24/1 से 24/11		00-07-00				116/3ए से 3सी	
			30/3	00-01-00				116/4	
			30/1	00-03-00				116/5ए	00-10-00
			27/1 से 6	00-13-00				116/5बी	
			28/6	00-18-50				116/5ए बी	
			28/5	00-10-00				117/3	00-26-00
			28/3	00-05-90				117/6	00-11-00
			28/1	00-04-00				117/5बी	00-12-00
			28/4	00-01-00				117/7ए(1)	00-06-00
			70/1	00-21-50				127/1ए(2)	
			71/2	00-29-00				127/1बी	
			76/7	00-06-00				127/3ए(1)	
			71/1	00-01-00				ए/2ए	00-47-00
			75/4	00-09-50				127/3बी(1)	
			75/2	00-03-00				उबी2ए	
			75/1	00-20-00				127/5	00-07-00
			73/1	00-19-00				126/3+4+6	00-13-00
		73/5, 5/1, 5/2		00-09-00				126/8	00-06-00
			73/6	00-09-00				128/3	00-01-00
			74/4ए	00-00-50				132/1एबी	00-17-00
			74/12	00-14-00				128/11	00-01-00
			73/1एबी	00-02-00				132/2+5ए	00-31-00
		बडघर	26/1/2	00-18-00					
			28/1ए, 1बी	00-15-00					
			49	00-36-00					
			68/बी/3	00-30-00					

1	2	3	4	5
रायगढ़	उरण	जासई (जारी)	134	00-08-00
			135/5	00-12-00
			135/9	00-18-00
			138/1, 2+5	
			138/3ए, बी4	
			5एबी	00-06-00
			138/2+7+11बी	
			138/8+9, 10ए	
			138/0	00-01-00
			137/1, 2एबी	
			3एबी	00-23-00
			137/4, 5+6+7	
			137/8 से 10	
			212/1 से 17	00-42-00
			210/1 से 8	00-23-00
			2091ए, 1बी	
			209/2 से 4	00-30-00
			208/1/2	00-00-50
			207/1 to 7	00-06-00
		बेलोंडी	29/1	00-12-00
		खार		
		पौंड खार	22/2ब	
			22/2बी	
		पागोटे	174पी	00-16-00
			175/पी	00-11-00
			181/पी	01-04-00

[फा. सं. एल.-14014/23/05-जी. पी. (भाग-1)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 29th March, 2006

S.O. 1355.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1345(E) dated 9-12-2004 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through Dahej-Hazira-Uran (Panvel-Uran Section) Pipeline Project in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited;

And whereas copies of the said Gazette notifications were made available to the public from 1-4-2005 to 30-5-2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the

said land is required for laying the pipeline, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipeline and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), Limited, free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Raigad	Panvel	Kolkhe	95/3A	00-11-00
			95/3B	
			96/0	00-01-00
			98/6	
			98/6/A/1	
			98/6B	00-24-00
			98/6C	
			98/6D	
			98/5	00-47-00
	Nandgaon		14/1	00-18-00
			13/2+3	00-10-00
			13/4	00-00-50
			13/1	00-03-00
			13/10	00-01-00
			12/6	00-00-80
			12/5	00-10-00
			12/4	00-00-50
			8/1/8+11	00-06-00
			2/A/5	
			8/51+B	
			5C, 5B, 5E	
			9/1, 2+3+	
			5/B/3	
			9/4	00-20-00
			5/1 to 9	00-00-50
			4/5	00-03-00
			3/4B	00-04-00
			4/2	00-04-00
			4/1	00-02-00
			4/3B	00-23-00
			4/3A(1)	00-04-00
			4/6	00-00-50
			3/5	00-17-40
			2/1	00-03-00
			4/7B	00-04-00

1	2	3	4	5	1	2	3	4	5
Raigad	Parvel	Pargaon	92	00-01-00	Raigad	Uran	Jasai	117/2/A/B	
		Manghar	91/1, 91/2	00-01-00				117/2/A/1	00-32-00
			88/1, 88/2	00-02-00				117/2/A/1B	
			43/1, 2	00-12-00				117/2A/2	
			44/1, 44/2	00-07-00				117/2A/1/2A/2	00-36-00
			80/1, 80/2	00-21-00				117/2A/A3	
			81/0	00-03-00				117/2	00-10-00
			89/1, 89/2	00-27-00				116/1	
			87/1, 87/2					116/2	
			87/3	00-28-00				116/3A to 3C	
		Kunde-	31/4	00-13-00				116/4	
		vahal	31/1	00-02-00				116/5A	00-10-00
			31/3	00-13-00				116/5B	
			31/2	00-04-00				116/AB	
			30/2	00-13-00				117/3	00-26-00
		24/1 to 24/11		00-07-00				117/6	00-11-00
			30/3	00-01-00				117/5B	00-12-00
			30/1	00-03-00				127/1A(1)	
			27/1 to 6	00-13-00				127/1A(2)	00-06-00
			28/6	00-18-50				127/1B	
			28/5	00-10-00				127/3A(1)	
			28/3	00-05-90				A/2A	
			28/1	00-04-00				127/3B(1)	00-47-00
			28/4	0-01-00				3B2A	
			70/1	00-21-50				127/5	00-07-00
			71/2	00-29-00				126/3+4+6	00-13-00
			76/7	00-06-00				126/8	00-06-00
			71/1	0-01-00				128/3	00-01-00
			75/4	00-09-50				132/1AB	00-17-00
			75/2	00-03-00				128/11	00-01-00
			75/1	00-20-00				132/2+5A	00-31-00
			73/1	00-10-00				134	00-08-00
		73/5, 5/1, 5/2		00-09-00				135/5	00-12-00
			73/6	00-09-00				135/9	00-18-00
			73/4A	00-00-50				138/1, 2+5	
			74/12	00-14-00				138/3A, B4	
			73/1AB	00-02-00				5AB	00-06-00
		Wadghar	26/1/2	00-18-00				138/2+7+11B	
			28/1A, 1B	00-15-00				138/8+9, 10A	
			49	00-36-00				138/0	00-01-00
			68/B/3	00-30-00				137/1, 2AB	
			68/B/1	00-43-00				3AB	00-23-00
		Dhutum	38/17A	00-08-00				137/4, 5+6+7	
			38/17B					137/8 to 10	
			40/1AB	00-09-00				212/1 to 17	00-42-00
			40/6A	00-02-80				210/1 to 8	00-23-00
			42/2B1, 2	00-11-00				2091A, 1B	
			42/9	00-01-00				209/2 to 4	00-30-00
			42/5+7B	00-01-00				208/1/2	00-00-50
			42/6+7C	00-03-00				207/1 to 7	00-06-00
		Dhutum	6A					29/1	00-12-00
			8/7A, B	00-06-00			Belonde-		
			6/1	00-00-50			khar		
			7/1	00-01-00			Poundkhar	22/2A	
			8/8A, B	00-07-00				22/2B	00-46-00
			38/14AB	00-09-00			Pagote	174/P	00-16-00
			40/5	00-03-00				175/P	00-11-00
			42/3AB	00-14-00				181/P	01-04-00

[F. No. L-14014/23/05-G.P. (Pt.-I)]

नई दिल्ली, 3 अप्रैल, 2006

का. आ. 1356.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ 430 तारीख 1 फरवरी, 2005 जो भारत के राजपत्र तारीख 5 फरवरी, 2005 में प्रकाशित की गई थी, जिसे शुद्धिपत्र संख्या का आ 358 तारीख 7 अक्टूबर 2005 भारत सरकार के राजपत्र तारीख 8 अक्टूबर, 2005 में प्रकाशित की गई थी द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्य प्रदेश राज्य में मांगल्या इन्दौर संस्थापन से हरियाना राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 14 नवम्बर, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : उनियारा		जिला : टोंक	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	मोहम्मदपुरा	186	1.8216

[फा. सं. आर-31015/80/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 3rd April, 2006

S. O. 1356.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 430 dated the 1st February, 2005, issued under sub-section(1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 5th February, 2005 and which was amended vide number S.O. 3584 dated the 7th October, 2005, published in the Gazette of India dated 8th October, 2005, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasa in the NCT of Delhi by Bhartat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notifications were made available to the public on the 14th November, 2005;

And whereas the competent authority has, under sub-section(1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section(1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section(4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : UNIYARA		DISTRICT : TONK		STATE : RAJASTHAN	
S.No.	NAME OF VILLAGE	SURVEY NO.		AREA IN HECTARE	
1	2	3		4	
1.	MOHAMMADPURA	186		1.8216	

[F. No. R-31015/80/2004-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 4 अप्रैल, 2006

का. आ. 1357.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 553 तारीख 9 फरवरी, 2005, जो भारत के राजपत्र तारीख 19 फरवरी, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ; और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 3 सितंबर, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : कुम्हेर

जिला : भरतपुर

राज्य : राजस्थान

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	बुरावई	1293	0.0189
		1314	0.0685
		1020	0.0245
		1449	0.0131
		1582	0.0095
2	उबार	1062	0.0010
		1200	0.0002
3	सांतरुक	4668	0.0504
		4657	0.0222
		4656	0.0611

[फा. सं. आर-31015/81/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 4th April, 2006

S. O. 1357.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.553, dated the 9th February, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 19th February, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 3rd September, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : KUMHER		DISTRICT : BHARATPUR		STATE : RAJASTHAN	
S.No.	NAME OF VILLAGE	SURVEY NO.		AREA IN HECTARE	
1	2	3		4	
1	BURAVAI	1293		0.0189	
		1314		0.0685	
		1020		0.0245	
		1449		0.0131	
		1582		0.0095	
2	UBAR	1062		0.0010	
		1200		0.0002	
3	SANTRUK	4668		0.0504	
		4657		0.0222	
		4656		0.0611	

[F. No. R-31015/81/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 4 अप्रैल, 2006

का. आ. 1358.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2509 तारीख 7 जुलाई, 2005, जो भारत के राजपत्र तारीख 16 जुलाई, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ; और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 3 सितंबर, 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : कुम्हूर

जिला : भरतपुर

राज्य : राजस्थान

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	बुरावई	1293	0.0099
		1314	0.0395
		1020	0.0115
		1449	0.0121
		1582	0.0085
2	उबार	1062	0.0586
		1200	0.0018
		1078	0.1139
3	सांतरुक	4868	0.0444
		4857	0.0858
		4856	0.0181
		1257	0.0040
		334	0.0040
		445	0.0848
		4849	0.0030

New Delhi, the 4th April, 2006

S. O. 1358.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.2509, dated the 7th July, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 16th July, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Mangliya Pipeline Extension Project from Mangliya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 3rd September, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule , appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : KUMHER		DISTRICT : BHARATPUR	STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	BURAVAI	1293	0.0099
		1314	0.0395
		1020	0.0115
		1449	0.0121
		1582	0.0085
2	UBAR	1062	0.0566
		1200	0.0018
		1078	0.1139
3	SANTRUK	4668	0.0444
		4657	0.0858
		4656	0.0181
		1257	0.0040
		334	0.0040
		445	0.0848
		4649	0.0030

[F. No. R-31015/81/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 4 अप्रैल, 2006

का. आ. 1359.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश में मांगल्या (इन्दौर) संस्थापन से हरयाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियों साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री दीपक नन्दी, सक्षम प्राधिकारी, मुम्बई-मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, प्रताप विला स्कीम, बर्ड सेन्चुरी रोड, भरतपुर (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : कुम्हेर

जिला : भरतपुर

राज्य : राजस्थान

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	सान्तरूक	1679	0.0500
		1678	0.0748
		374	0.0430
		375	0.0720
		376	0.0140
		378	0.0140
		380	0.0570
		377	0.0792
		342	0.1152
		342/5503	0.0150
		341/5504	0.0650
		3616	0.0020
		2382	0.0080
		1680	0.0400
		341	0.0344
		447	0.1630
		954	0.0352
		946	0.0150
		945	0.0100
		2390	0.0100
		2351	0.0130
		2370	0.0280
		2378	0.0510
		2377	0.0180
		3644	0.0130

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	सान्तरुक (जारी....)	3624	0.0181
		3615	0.0110

[फा. सं. आर-31015/81/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 4th April, 2006

S. O. 1359.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Deepak Nandi, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, 73, Pratap Vila, Rose Vila scheme, Bird Sanctuary road, Bharatpur (Rajasthan).

SCHEDULE

TEHSIL : KUMHER

DISTRICT : BHARATPUR

STATE : RAJASTHAN

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	SANTRUK	1679	0.0500
		1678	0.0748
		374	0.0430
		375	0.0720
		376	0.0140
		378	0.0140
		380	0.0570
		377	0.0792
		342	0.1152
		342/5503	0.0150

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	SANTRUK (Contd....)	341/5504	0.0650
		3616	0.0020
		2382	0.0080
		1680	0.0400
		341	0.0344
		447	0.1630
		954	0.0352
		946	0.0150
		945	0.0100
		2390	0.0100
		2351	0.0130
		2370	0.0280
		2378	0.0510
		2377	0.0180
		3644	0.0130
		3624	0.0181
		3615	0.0110

[F. No. R-31015/81/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 5 अप्रैल, 2006

का. आ. 1360.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2673 तारीख 28 जुलाई, 2005, जो भारत के राजपत्र तारीख 30 जुलाई, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ; और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 28 सितंबर, 2005 को उपलब्ध करा दी गई थी ; और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ; और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ; अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लिंगमों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : बयाना		जिला : भरतपुर	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	बुमरिया	662	0.0496
		660	0.0192
		665	0.0036
		637	0.0370
		635	0.0057
		634	0.0412
		632	0.0339
		577	0.0792
		575	0.0795
		571	0.0176
		568	0.1456
		429	0.1080
		659	0.0216
		647	0.0216
		646	0.0648
		645	0.0360
		644	0.0040
		643	0.0072
		638	0.0072
		633	0.0144
		597	0.0020
		600	0.0144
		599	0.0900
		592	0.0144
		591	0.0108
		590	0.0020
		602	0.0576
		603	0.0020
		582	0.1040
		581	0.0072
		549	0.1476
		576	0.0216
		563	0.0864
		562	0.0020
		564	0.0576
		572	0.0144
2	रीछोली	760	0.0080
		666	0.0160
		496	0.0268
		780	0.0144

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
2	पिछोली (जारी)	520	0.0050
		518	0.0020
		534	0.0144
3	नगला कुरवारिया	269	0.0228
		237	0.0280
4	नगला खटका	299	0.0112
5	लहचोरा कला	1239	0.0100
		1358	0.0030
6	मिलकपुर	531	0.0128
		91	0.0113
		669/2507	0.0118
		87	0.0040
		603	0.0040
7	भाग बहमवाद	10	0.0020
		81	0.0050
		293	0.0040
		300	0.0020
		982	0.0020
		978	0.0020
		958	0.0020
		973	0.0400
		833	0.0020
8	चहल	51	0.0328
9	कारवारी	225	0.0340
		764	0.0252
		257	0.0414
		284	0.0360
		279	0.0424
		276	0.0180
		317	0.0265
		323	0.0504
		331	0.0680
		329	0.0817
		97	0.1692
		172	0.0288
		169	0.0432
		168	0.0536
		327	0.0576
		280	0.0040
		283	0.0072
		226	0.0288
		763	0.0360
		211	0.0360
		165/1259	0.0040
		166	0.0360
		102	0.0360
		101	0.0072
		167	0.0576

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
9	कारवारी (जारी...)	121	0.0216
		120	0.0432
		119	0.0720
		118	0.0648
		118/1246	0.0072
		112/1245	0.1224
10	घाघरेन	2005	0.0381
		2097	0.3240
		1909	0.0174
		1910	0.0131
		1908	0.0105
		1912	0.0540
		1887	0.0102
		1814	0.0189
		1752	0.0436
		1626	0.0497
		1614	0.0112
		1613	0.0184
		1567	0.0374
		1903	0.0216
		1603	0.0176
		1566	0.0176
		1574	0.0040
		1565	0.0020
		1604	0.0072
		1601	0.0020
		1615	0.0020
		1654	0.0144
		1755	0.0288
		1762	0.0020
		1749	0.0020
		1789	0.0020
		1793	0.0144
		1870	0.0020
		1913	0.0020
		2189	0.0216
		2153	0.0504
		2049	0.0144
		2109	0.0864
11	सिंघाड़ा	309	0.0288
		311	0.0279
		1868	0.0216
		1832	0.0268
		283	0.0270

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
11	सिंघाड़ा (जारी...)	823	0.0138
		310	0.0080
		312	0.0576
		1889	0.0050
12	सेवला	678	0.0288
		682	0.0144
		684	0.0072
		686	0.0288
13	सिंघान खेड़ा	459	0.1110
		458	0.0372
		442	0.0500
		441	0.0792
14	समोहर	539	0.0068
		593	0.0252
		596	0.0436
		671	0.0144
		700	0.0720
		594	0.0252
		873	0.0020
15	नहरोली	1040	0.1657
		1039	0.1216
		1108	0.0306
		1105	0.0288
16	कोठी खेड़ा	5	0.0863
		526	0.0288
		551	0.0020
		565	0.0072
		909	0.0720
17	शोरगढ़	1605	0.0782
		1544	0.0391
		1411	0.0382
		1477	0.0288
		1037	0.0247
		975	0.0148
		971	0.0144
		939	0.0472
		904	0.0298
		934	0.0720
		1021	0.0273
		618	0.0216
		907/2399	0.0368
		530	0.0158
		1584	0.0273

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
17	शोरगढ़ (जारी...)	1387	0.0634
		1387/2462	0.0432
		1402/2489	0.0590
		1204	0.0072
		1479	0.0432
		1559/2490	0.0436
		1197	0.0216
		1198	0.0216
		1200	0.0144
		1480	0.0216
		1481	0.0216
		1482	0.0216
		1484	0.0216
		1053	0.0072
		1056	0.0216
		1055	0.0072
		1057	0.0144
		1051	0.0040
		1024	0.0288
		1025	0.0792
		1026	0.0216
		978	0.0072
		976	0.0360
		970	0.0288
		931	0.0200
		933	0.0072
		935	0.0072
		906	0.0216
		890	0.0072
		892	0.0100
		893	0.0360
		894	0.0072
		896	0.0216
		704	0.0648
		619	0.0288
		706	0.0432
		529	0.0040
		895	0.0216
		1550	0.0900
		1557	0.0360
		1549	0.0288
		1375	0.0288
		1386	0.0072

जारी.....7

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
17	शेरगढ़ (जारी...)	1386/2461	0.0288
		1384	0.0144

[फा. सं. आर-31015/79/2005-ओ.आर.-II]

ए. गोस्वामी, अपर सचिव

New Delhi, the 5th April, 2006

S. O. 1360.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.2673, dated the 28th July, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 30th July, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 28th September, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule , appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : BAYANA

DISTRICT : BHARATPUR

STATE : RAJASTHAN

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	Dumariya	662	0.0496
		660	0.0192
		665	0.0036
		637	0.0370
		635	0.0057
		634	0.0412
		632	0.0339
		577	0.0792
		575	0.0795
		571	0.0176
		568	0.1456
		429	0.1080
		659	0.0216
		647	0.0216
		646	0.0648
		645	0.0360
		644	0.0040
		643	0.0072
		638	0.0072
		633	0.0144
		597	0.0020
		600	0.0144
		599	0.0900
		592	0.0144
		591	0.0108
		590	0.0020
		602	0.0576
		603	0.0020
		582	0.1040
		581	0.0072
		549	0.1476
		576	0.0216
		563	0.0864
		562	0.0020
		564	0.0576
		572	0.0144
2	Richholi	760	0.0080
		666	0.0160
		496	0.0268
		780	0.0144
		520	0.0050
		518	0.0020
		534	0.0144

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
3	Nagla Kurvariya	289	0.0228
		237	0.0280
4	Nagla Khatka	299	0.0112
5	Lāchora kalan	1239	0.0100
		1358	0.0030
6	Milakpur	531	0.0128
		91	0.0113
		669/2507	0.0118
		87	0.0040
		603	0.0040
7	Bhag Brahmavad	10	0.0020
		81	0.0050
		293	0.0040
		300	0.0020
		982	0.0020
		978	0.0020
		958	0.0020
		973	0.0400
		833	0.0020
8	Chahal	51	0.0328
9	Karvari	225	0.0340
		764	0.0252
		257	0.0414
		284	0.0360
		279	0.0424
		276	0.0180
		317	0.0265
		323	0.0504
		331	0.0680
		329	0.0817
		97	0.1692
		172	0.0288
		169	0.0432
		168	0.0536
		327	0.0576
		280	0.0040
		283	0.0072
		226	0.0288
		763	0.0360
		211	0.0360
		165/1259	0.0040
		166	0.0360
		102	0.0360
		101	0.0072
		167	0.0576

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
9	Karvari (Contd...)	121	0.0216
		120	0.0432
		119	0.0720
		118	0.0648
		118/1246	0.0072
		112/1245	0.1224
10	Dhadhren	2005	0.0381
		2087	0.3240
		1909	0.0174
		1910	0.0131
		1908	0.0105
		1912	0.0540
		1887	0.0102
		1814	0.0189
		1752	0.0436
		1626	0.0497
		1614	0.0112
		1613	0.0184
		1567	0.0374
		1903	0.0216
		1603	0.0176
		1566	0.0176
		1574	0.0040
		1565	0.0020
		1604	0.0072
		1801	0.0020
		1615	0.0020
		1654	0.0144
		1755	0.0288
		1762	0.0020
		1749	0.0020
		1789	0.0020
		1793	0.0144
		1870	0.0020
		1913	0.0020
		2169	0.0216
		2153	0.0504
		2049	0.0144
		2109	0.0864
11	Singhada	309	0.0288
		311	0.0279
		1868	0.0216
		1832	0.0268
		283	0.0270

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
11	Singhada (Contd...)	823	0.0136
		310	0.0080
		312	0.0576
		1869	0.0050
12	Sewla	678	0.0288
		682	0.0144
		684	0.0072
		686	0.0288
13	Singhan Kheda	459	0.1110
		458	0.0372
		442	0.0500
		441	0.0792
14	Samogarh	539	0.0068
		593	0.0252
		596	0.0436
		671	0.0144
		700	0.0720
		594	0.0252
		873	0.0020
15	Nahroli	1040	0.1657
		1039	0.1216
		1108	0.0306
		1105	0.0288
16	Kothi Kheda	5	0.0863
		526	0.0288
		551	0.0020
		565	0.0072
		909	0.0720
17	Shergarh	1605	0.0782
		1544	0.0391
		1411	0.0382
		1477	0.0288
		1037	0.0247
		975	0.0148
		971	0.0144
		939	0.0472
		904	0.0298
		934	0.0720
		1021	0.0273
		618	0.0216
		907/2399	0.0368
		530	0.0158
		1584	0.0273

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
17	Shergarh (Contd...)	1387	0.0634
		1387/2462	0.0432
		1402/2489	0.0590
		1204	0.0072
		1479	0.0432
		1559/2490	0.0436
		1197	0.0216
		1198	0.0216
		1200	0.0144
		1480	0.0216
		1481	0.0216
		1482	0.0216
		1484	0.0216
		1053	0.0072
		1056	0.0216
		1055	0.0072
		1057	0.0144
		1051	0.0040
		1024	0.0288
		1025	0.0792
		1026	0.0216
		978	0.0072
		976	0.0360
		970	0.0288
		931	0.0200
		933	0.0072
		935	0.0072
		906	0.0216
		890	0.0072
		892	0.0100
		893	0.0360
		894	0.0072
		896	0.0216
		704	0.0648
		619	0.0288
		706	0.0432
		529	0.0040
		895	0.0216
		1550	0.0900
		1557	0.0360
		1549	0.0288
		1375	0.0288
		1386	0.0072

Contd....

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
17	Shergarh (Contd...)	1388/2481	0.0288
		1384	0.0144

[F. No. R-31015/79/2005-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 5 अप्रैल, 2006

का. आ. 1361.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 556 तारीख 14 फरवरी, 2005, जो भारत के राजपत्र तारीख 19 फरवरी, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 28 सितंबर, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : बयाना

जिला : भरतपुर

राज्य : राजस्थान

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	डुमरिया	682	0.0584
		680	0.0240
		685	0.0144
		637	0.0638
		635	0.0159
		634	0.0020
		632	0.0057
		577	0.0072
		575	0.0573
		571	0.0040
		568	0.0020
		636	0.0216
		580	0.0040
		570	0.0504
		661	0.0072
		689	0.0360
		601	0.0072
2	रीछोली	760	0.0020
		866	0.0140
		496	0.0432
3	नगला कुरवारिया	269	0.0492
		237	0.0152
4	मिलकपुर	531	0.0272
		91	0.0247
		669/2507	0.0212
5	चहल	51	0.0248
6	कारवारी	225	0.0020
		764	0.0106
		257	0.1242
		284	0.0504
		279	0.0224
		276	0.0108
		317	0.0959
		323	0.1152
		331	0.0040
		329	0.2711
		97	0.0108
		172	0.0504
		169	0.0144
		168	0.0040
		221/1262	0.0216
		743	0.0052

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
7	धाधरेन	2005	0.0195
		2097	0.3456
		1909	0.0782
		1810	0.0229
		1908	0.0039
		1812	0.0936
		1887	0.0078
		1814	0.0243
		1752	0.0528
		1826	0.0007
		1814	0.0104
		1813	0.0988
		1587	0.0166
		1903	0.0072
		1803	0.0040
		1586	0.0040
8	सिंघाड़ा	309	0.0864
		311	0.0513
		1868	0.0432
		1832	0.0432
		283	0.0378
		823	0.0224
9	सिंघान खेड़ा	459	0.0090
		458	0.0780
10	समोराद	539	0.0040
		593	0.0108
		596	0.0140
		671	0.0144
		700	0.3600
11	नहरोली	1040	0.3168
		1039	0.1584
		1108	0.0144
		1105	0.0360
12	कोठी खेड़ा	5	0.0577
		528	0.0576
13	शोरगढ़	1605	0.0010
		1544	0.0617
		1411	0.0986
		1477	0.0432
		1037	0.0185
		975	0.0140
		971	0.0144
		939	0.0752

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
13:	शेरगढ़ (जारी.....)	904	0.0422
		934	0.0216
		1021	0.0231
		618	0.0216
		907/2398	0.0424
		530	0.0416
		1036	0.0144

[फा. सं. आर-31015/79/2005-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th April, 2006

S. O. 1361.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.556, dated the 14th February, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 19th February, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 28th September, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule , appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE**TEHSIL : BAYANA****DISTRICT: BHARATPUR****STATE : RAJASTHAN**

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	Dumariya	662	0.0584
		660	0.0240
		665	0.0144
		637	0.0638
		635	0.0159
		634	0.0020
		632	0.0057
		577	0.0072
		575	0.0573
		571	0.0040
		568	0.0020
		636	0.0216
		580	0.0040
		570	0.0504
		661	0.0072
		669	0.0360
		601	0.0072
2	Richholl	760	0.0020
		666	0.0140
		496	0.0432
3	Nagla Kurvariya	269	0.0492
		237	0.0152
4	Milakpur	531	0.0272
		91	0.0247
		669/2507	0.0212
5	Chahal	51	0.0248
6	Karvari	225	0.0020
		764	0.0108
		257	0.1242
		284	0.0504
		279	0.0224
		276	0.0108
		317	0.0959
		323	0.1152
		331	0.0040
		329	0.2711
		97	0.0108
		172	0.0504
		169	0.0144
		168	0.0040
		221/1262	0.0216
		743	0.0052

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
7	Dhadhren	2005	0.0195
		2097	0.3458
		1909	0.0762
		1910	0.0229
		1908	0.0039
		1912	0.0938
		1887	0.0078
		1814	0.0243
		1752	0.0528
		1826	0.0007
		1814	0.0104
		1813	0.0968
		1587	0.0166
		1903	0.0072
		1803	0.0040
8	Singhada	1566	0.0040
		309	0.0864
		311	0.0513
		1868	0.0432
		1832	0.0432
		283	0.0378
9	Singhan Kheda	823	0.0224
		459	0.0090
		458	0.0780
10	Samogarh	539	0.0040
		593	0.0108
		596	0.0140
		671	0.0144
		700	0.3600
11	Nahroli	1040	0.3168
		1039	0.1584
		1108	0.0144
		1105	0.0360
12	Kothi Kheda	5	0.0577
		526	0.0576
13	Shergarh	1605	0.0010
		1544	0.0617
		1411	0.0986
		1477	0.0432
		1037	0.0185
		975	0.0140
		971	0.0144
		939	0.0752

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
13.	Shergarh (Contd.....)	904	0.0422
		934	0.0216
		1021	0.0231
		818	0.0216
		907/2399	0.0424
		530	0.0418
		1036	0.0144

[F. No. R-31015/79/2005-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 5 अप्रैल, 2006

का. आ. 1362.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 99 तारीख 06 जनवरी, 2005, जो भारत के राजपत्र तारीख 08 जनवरी, 2005, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुन्दा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुन्दा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 4 मार्च, 2005, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर.-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्याधीन सभी विल्लंगनों से मुक्त हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : बहरोड़		जिला : अलवर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	असरा सं.	क्षेत्रफल		
1	2	3	हेक्टेयर	एयर	वर्ग मीटर
1.	मोहम्मदपुर	959/3179(स.चरागाह)	0	02	84
		925/3106	0	02	10

[फा. सं. आर-31015/73/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th April, 2006

S. O. 1362.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 99 dated the 06th January, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 08th January, 2005, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 4th March, 2005;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : BEHROR		District : ALWAR	State : RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1.	MOHAMMADPUR	959/3179(G/L Pasture)	0	02	84
		925/3106	0	02	10

[F. No. R-31015/73/2004-O.R.-II]

A. GOSWAMI, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 8 मार्च, 2006

का. आ. 1363.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स. ओ. एन. जी. सी. लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 12/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-2006 को प्राप्त हुआ था।

[सं. एल-30015/13/2001-आई आर (विविध)]

बी० एम० डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 8th March, 2006

S.O. 1363.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of M/s O.N.G.C. Ltd. and their workman, which was received by the Central Government on 8-3-2006.

[No. L-30015/13/2001-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT AHMEDABAD**

PRESENT

**SHRI B.I. KAZI (B.SC., LL. M., PRESIDING
OFFICER**

**INDUSTRIAL DISPUTE (REFERENCE C. G. I.T.A.)
NO. 801/04**

OLD (I.T.C.) NO. 12/2003

The Group General Manager, (Projects) O.N.G.C.
Ltd., Ankleshwar Project Ankleshwar, Ankleshwar (Gujarat)

First Party.....

V/s.

National Security Force & Labour Suppliers,
4, Uma Complex 1st floor opp. Bank of India Samotors
GIDS Ankleshwar Dt. Bharuch Ankleshwar (Gujarat). The
General Secretary, Gujarat Petroleum Employees Union
434/36, Gandhivas Koba Road, Sabarmati Ahmedabad
(Gujarat)

Second party.....

APPEARANCE

First Party : (Absent)

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-30015/13/2001-IR (M) dated 18-09-2001 to this Tribunal for adjudication the terms of reference is as under.

SCHEDULE

"Whether the demand of Gujarat Petroleum employees union for regularization of Shri Gumanbhai Balubhai Patel and 8 others as per Annexure with all consequential benefits at par with ONGCL employees as legal, proper and justified? If so what relief the workmen are entitled to and from what date?"

The second party was issued a notice to file the statement of claim by this Tribunal on 16-09-03. The date to file the statement of claim was 10-10-2003. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party is failed to submit a statement of claim after 1 year 5 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen are failed to prove their case. Looking to the above observations I hereby pass the following order :

ORDER

The demand of Gujarat Petroleum employees union for regularization of Shri Gumanbhai Balubhai Patel and 8 others as per Annexure with all consequential benefits at par with ONGCL employees is illegal, improper and unjust. The workmen are not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 23-08-05
Ahmedabad.

B. I. KAZI, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1364.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स. ओ. एन. जी. सी. लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 10/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-2006 को प्राप्त हुआ था।

[सं. एल-30012/45/91-आई आर. (विविध)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1364.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/92) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of M/s O.N.G.C. Ltd. and their workman, which was received by the Central Government on 8-3-2006.

[No. L-30012/45/91-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT AHMEDABAD**

PRESENT

**SHRI B.I. KAZI (B.SC., LL. M., PRESIDING
OFFICER**

**INDUSTRIAL DISPUTE (REFERENCE C. G. I.T.A.)
NO. 10/04**

OLD (I.T.C.) NO. 10/1992

1. The General Manager, (Projects)
Admn. Building,
Palavasana
Mehsana-384 001
2. The Group General Manager,
ONGC Western Region,
Exploration Business,
Group, Makarpura Baroda-3990 009,
Patan-384 265

First Party.....

V/s.

The Secretary,
ONGC Labour Union,
8 Sam Parpan Shopping Complex,
High Way Mehsana-384 002

Second party.....

Appearance

First Party : Shri K. V. Gadhia, Shri Mahendra Patel
Second Party : Shri A. S. Kapoor

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-30012/45/91-IR (Misc.) dated 16-06-1992 to this Tribunal for adjudication the terms of reference is as under.

SCHEDULE

"Whether the action of the management of ONGC. Mehsana in terminating the services of Shri Dilip Kumar H. Bhatt, Khalasi is legal and justified? If not to what relief the concerned workman is entitled?"

2. A notice was issued to the second party to file a statement of claim. The second party has submitted a statement of claim. By Ex.4. The brief facts are that the first party has various projects and work center as stated in para A. The first party as such employing causal employees for a period of 90 days in 12 consecutive months and then replacing them with new hands to deprive the workman of their legal rights. In certified standing order 2(1) classification of workman is given. The classification of contingent employee as temporary and causal. Opponent had adopted a method to insure that no workman who is employed on causal basis is allowed to cross/complete more than 180 days in 12 consecutive months. In para 14 of the certified standing order a provision is regarding the termination of employment. The opponents after year 1975 never filled up the vacant post of Khalasis, cleaners, attendant etc., the opponents are engaging workers for a period of 90/120 days in 12 consecutive months and replacing with a new hands on expire of the above period. so as to ensure that they do not qualify themselves within the definition of section 25B. The concerned workman has worked from 14-10-85 to 30-10-1986 in Geophysical party GP 24(5). From 02-06-1986 to 30-08-86 he worked in transport section and store section. And from 01-09-1986 to 15-10-1987 he has worked as security guard on contract. He was a Khalasis in Geophysical party. On 01-05-1986 he was told that his services have been terminated. New man has been engaged in his place. He was told that work is available in transport sections in Mehsana project. He was asked to report to labour registration sections and he was allotted L.R. No. and issued a slip. From 13-06-1986 the workman was transferred in store section. ONGC Mehsana. He worked in transport section from 02-06-1986 to 12-06-1986 and in store section from 13-06-1986 to 30-08-1986. Then after he was employed by the security contractor as a security guard. He worked at different drilling rights of ONGC and oil well installations and worked from 01-09-1986 to 15-10-1987. He worked under the contractor but under the control & supervision of ONGC officers. As he was not ex-service-man his services were terminated w.e.f. 16-10-1987. Thus the workman is in continuous employment from 14-10-1985 to 15-10-1987 and as such has a completed more than 240 days services in 12 consecutive months and was such eligible for the benefit under section 25 F of the I.D. Act. The termination is bad in law. Section 25 G is also violated. New persons are engaged in the place of the workman. Last come first go procedure is not followed. It is an unfair labour practice.

Work is continuous. Thus the action of the opponent No. 1 in terminating the services of the workman is bad in law. The job of security guard is of perennial nature. It was awarded on contract. There is no legal relationship of the contractor with the ONGC, as much he has no valid licence under section 12 of the Contract Labour Act. The opponent No. 1 is not registered under section 7 of the said Act. Thus the concerned workman is to be declared as a direct workman of the opponent No. 1 from the period 01-09-1986 to 15-10-1987. He mentioned in para P of the S. C. of the grounds for illegal and invalid termination. He prays that the action of the opponent is illegal, improper, unjust, unfair and against the principles of natural justice, and to direct the opponent to reinstate the workman in continuing regular service with full back wages and to give other benefits w.e.f. date of his initial appointment.

3. A notice was issued to the first party to file a written statement. The first party has submitted a written statement by Ex. 8. The brief facts are that the reference is not maintainable and bad in law. The commission is not admitting various statements and contentions made in the S.C. The contention in para A are not true and not admitted. The Mehsana and Baroda projects are two different employees and there is no connection between each other. With reference to para B, the contention raised in that para are not true and not admitted. It is denied that the Mehsana Project has not filled up the vacant post and employing casual employees for a period of 90 days in 12 consecutive months and then replacing them with new hands after a period of 90 days. No violation of certified standing orders. With reference to para C, it is true that Geophysical parties are being headed by Baroda project. It is not true that the workman employed on casual basis, is not allowed to cross/complete more than 180 days in 12 consecutive months. There is no violation of section 25-B (2) (b) of the I.D. Act. With reference to para D, the averments and contentions made in this para are not true and not admitted. It is denied that the commission has adopted a method of engaging workers for a period of 90/120 days i.e. less than 180 days in 12 consecutive months. There is no violation of section 25 H of the Act. With reference to para E, the contention made in this para are not true and not admitted. It is denied that the casual employees engaged by the commission are doing the duties of perennial nature. Casual/Contingent workmen are for a specific job and for a specific period. They are not recruited as per the recruitment rules. They are being paid the minimum wages as prescribed by the Government from time to time. In reply to para F, it is denied that the concerned workman Shri Bhatt is matriculate with ITI in the auto trade and has also undergone apprenticeship training under the Apprenticeship Act, 1961. The concerned workman has served for Mehsana from 02-06-1986 to 12-06-1986 with

transport section project. The concerned workman has admitted that he has worked from 14-10-1985 to 30-04-1986 with Geophysical party Baroda project. Working days of the Baroda project cannot be clubbed with Mehsana project. It is also admitted that the concerned workman worked from 01-09-1986 to 15-10-1987 as a security guard on contract, and was engaged through the contractor M/s. I.S.G.S for the said period. The workman has no legal right to get reinstatement or get employment with the commission. The fact narrated in para F are denied. It is denied that on 31-08-1986 his service were terminated and new man has been engaged in his place. It is denied that the officers of the commission has advised him to go to security gate for the duty. It is denied the workman has performed duties as a security guard from 01-09-1986 to 15-10-1987 under the direct control and supervision of ONGC officers. He was employed by the contractor. The contention in para G are denied. The contention in para H are not true and not admitted. No violation of section 9-A of the I.D. Act. Contractor is necessary party to the present reference. It is denied that the Geophysical party is part and parcel of the commission Mehsana project. It is denied that the services rendered under different employees have to be counted for computation of 240 days. With reference to paras I & J. It is denied that the workman was in continuous employment from 14-10-1985 to 15-10-1987 and has worked for more than 240 days in 12 consecutive months. It is denied that the commission has violated the provisions of section 25-P of the I.D. Act, and the commission has terminated the services of the concerned workman on 16-10-1987. On the expiry of a specific period he was discontinued. So the action of the commission does not amount to retrenchment under section 2(oo) of the I.D. Act. No violation of sections 25-F, 25-G, & 25-H. Workman has not even completed 120 days in any of the year. Hence no violation of certified standing orders. The action of the commission is not unfair labour practice. It is also denied that the concerned workman was working under the direct control and supervision of the officers of the commission for the period from 01-09-1986 to 15-10-1987. He was not engaged in 1987 by the commission, hence there is no question of his termination of services on 16-10-1987. The contention made in para K to O are denied. The contention made in para P are not true and not admitted. The commission has not terminated the services of the concerned workman on 01-05-1986, 31-08-1986, 15-10-1987. The concerned workman has challenged in the reference for one termination. With regard to ground 1 to 6. The averment made in those grounds are not true hence not admitted. Thus it is prayed that the reference shall be rejected with cost.

4. The second party has submitted a D.E list by Exs. 20,31,37,40. The first party did not submit any documentary list.

5. The second party has examined witness by Ex. 30 and Ex. 32. The second party closed the oral evidence by Ex. 50. The first party did not take any oral evidence. Written arguments submitted by the parties which are taken into considerations by the Tribunal.

6. Looking to the evidence and looking to the submissions of the parties and looking to the terms of reference the following issues are to be decided for my considerations :

- (A) Whether the concerned workman has completed 240 days in a calendar year preceding the termination in ONGC Mehsana?
- (B) Whether the action of the management of ONGC, Mehsana in terminating the services of the concerned workman is legal and just?
- (C) Whether the concerned workman is entitled for the reinstatement with continuity services in Mehsana Project?
- (D) Whether the concerned workman is entitled for back wages?
- (E) What final order?

My answer to the above issues are as under as per reasons given below :

- (A) No
- (B) Yes
- (C) No
- (D) No.
- (E) As per final award of the reference.

REASONS

7. If we perused the evidence of the second party Ex. 30. It is clear that he has worked in Mehsana project from 02-06-1986 to 13-06-1986 in transport section, and after that he has worked in store section upto 30-08-1986. He has not worked for 240 days in the calendar year in Mehsana project. However, the reference is for the termination of the concerned workman by the management of ONGC Mehsana. Hence this Tribunal cannot traverse beyond the terms of reference. The first employment of the concerned workman was by Baroda project from 14-10-1985 to 30-04-1986 Though in the Schedule (Terms of Reference) no date of termination is mentioned but the name of project is shown. It is admitted by the workman that he has worked as a security guard from 01-09-1986 to 15-10-1987 under the contractors M/s. I.S.G.S. This fact has stated by the concerned workman in para O of the statement of claim. It is also admitted in evidence (Ex. 30) that after 30-08-1986 he has worked up to 15-10-1987 under the contractor I.S.G.S. and he was working under the contractor. He has worked in Baroda project upto 30-04-1986. It is also admitted that because the end of the

contract, his services were terminated by the contractor. Thus it is clearly established that in Mahsana project. the concerned workman has worked from 02-06-1986 to 30-08-1986. Thus looking to the days he actually worked in the 12 months preceding the date of termination i.e 30-08-1986, he has not completed 240 days of continuous service.

8. The workman has not rendered the continuous service for a period of 240 days in 12 months preceding the termination. Thus the workman is not in continuous service for a period of one year in Mehsana project. Hence section 25 F is not attracted. Thus the termination of the concerned workman on 30-08-1986 is not a retrenchment.

9. Though the concerned workman has worked in Baroda project from 14-10-1985 to 30-04-1986 in Geophysical party G.P.24 (5) but that termination on 30-04-1986 is not referred in the present reference. Hence this Tribunal cannot traverse beyond the terms of reference. If we calculate the days from 14-10-1985 to 30-04-1986 it is clear that in that period also the concerned workman has not completed 240 days in a year. Not only that looking to the judgement of the Hon'ble Supreme Court of India in D.G.M and Natural Gas Corporation V/s. Illias Abdul Rehman 2001 1 CLR page No. 488. The Baroda project and Mehsana project and Mehsana project are different places and are different departments. Thus the services rendered in different departments and different places can not be taken as continuous employment for the purpose of Section 25 F of the act. Not only that the termination by Baroda project is not referred to this Tribunal. Thus this Tribunal can not take cognizance of the work done by the concerned workman in Baroda project. The concerned workman has not completed 240 days of continuous service in a period of one year preceding the termination. Section 25 F is not attracted. The second party is failed to prove that after his termination new hands were employed by the first party. Hence there is no violation of Section 25 G or 25 H of the I.D. Act by the first party.

10. The concerned workman is not entitled for the reinstatement with continuity of service. Because there is no violation of Section 25 F of the I.D. Act. Not only that he is not entitled for the back wages because the termination of the concerned workman is not retrenchment. The concerned workman has worked for a short period in transport Section and store Section and he has not completed 240 days of continuous service in 12 months. He is not entitled for the reinstatement and/or for back wages.

11. Thus looking to the above observations I hereby pass the following order :

ORDER

The termination of second party workman Shri Dilip Kumar H. Bhatt by the management of ONGC Mehsana

project is just and legal. The concerned workman is not entitled for the reinstatement with continuity of service and/or for any back wages. The reference is rejected. No order as to cost.

Date : 28-08-05
Ahmedabad.

B. I. KAZI, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1365.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैस ऑथोरिटी आफ़ इण्डिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट संदर्भ संख्या 18/2003 को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-2006 को प्राप्त हुआ था।

[सं. एल-30011/38/2003-आई आर (विविध)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1365.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Gas Authority of India Ltd. and their workman, which was received by the Central Government on 8-3-2006.

[No. L-30011/38/2003-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT

SHRI B.I. KAZI B.SC., L.L. M. Presiding Officer
INDUSTRIAL DISPUTE (REFERENCE C. G. L.T.A.)
NO. 807/04.

Old (I.T.C.) No. 18/2003

1. The Director,
Gas Authority of India Ltd., 16, Bhikaji Cama
Place,
R. K. Puram,
New Delhi.
2. The General Manager,
Gas Authority of India Ltd., Darpan Building,
R. C. Dutta Road, (Gujarat)
Vadodara (Gujarat)

...First Party.

V/s.

The General Secretary,
Baroda Mazdoor Sabha Prachi, Tilak Nagar,
Society, Opp. Gujarat Housing Board, Ajwa Road,
Vadodara (Gujarat)

...Second Party.

APPEARANCE

First Party : Shri A. P. Hathi
Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-30011/38/2003-IR (B.I) dated 21-05-2003 to this Tribunal for adjudication the terms of reference is as under.

SCHEDULE

"Whether the demand of the union to regularize the services of S/h. (1) Ramesh P. Parmar (2) G. C. Rabari (3) K. M. Shaikh and (4) Liyakat Ali as permanent and direct employees of Gas Authority of India Ltd. from the date of their appointment is fair and justified? If so, what relief the concerned 4 workmen are entitled to and from which date and what other directions are necessary in the matter ?

2. The second party was issued a notice to file the statement of claim by this Tribunal on 28-07-03. The date to file the statement of claim was 23-08-2003. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party is failed to submit a statement of claim after 1 year 7 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen have failed to prove their case. Looking to the above observations I hereby pass the following order :

ORDER

The demand of union to regularize the services of S/h. (1) Ramesh P. Parmar (2) G. C. Rabari (3) K. M. Shaikh and (4) Liyakat Ali as permanent and direct employees of Gas Authority of India Ltd. from the date of their appointment is not fair and just. The concerned workmen are not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 23-08-05
Ahmedabad.

B. I. KAZI, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1366.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में ओ. एन. जी. सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 01/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-03-2006 को प्राप्त हुआ था।

[सं. एल-30011/76/2001-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1366.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 01/2003 of the Central Govt. Indus. Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the industrial dispute between the management of ONGC Ltd., Ankleshwar Project, and their workmen, received by the Central Government on 08/03/2006

[No. L-30011/76/2001-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT OF
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT AHMEDABAD**

PRESENT

Shri B. I. Kazi (B. Sc., L. L. M): Presiding Officer

Industrial Dispute (Reference C. G. I. T. A.)

NO. 1397/04

OLD (I.T.C) No. 01/2003

1. The Group General Manager, (Projects),
O. N. G. C. Ltd., Ankleshwar Project,
Ankleshwar (Gujarat)
2. M/s. Industrial Security, Service Upal Tower, 1st
Floor Opp. M. Jagdamaba Mills, Road, Surat
(Gujarat)
3. Yashdeep & Co, 403, Vardhman Chambers, Kalyan
Street, Danabandor,
Mumbai

...First Party.

V/s.

The President, All Gujarat State Kamdar Union
Khadki Faliya At Vav, Kadodara Taluka Vagra,
Dt. Bharuch (Gujarat)

Bharuch

...Second Party.

APPEARANCE

First Party : Shri S. K. Jain

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-30011/76/2001-IR (M) dated. 28/11/2001 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

“Whether the action of the management of ONGC Ankleshwar Project, Ankleshwar is not considering the demand of Shri Gohil Bharatbhai Gordhanbhai & 30 others (As per list enclosed) for absorption and regularization is justified? If not, to what relief the concerned workman are entitled?”

2. The second party was issued a notice to file the statement of claim by this Tribunal on 10-2-03. The date to file the statement of claim was 28-2-2003. The appropriate Government has also directed the second party who raised the dispute to file a statement or claim with relevant documents and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 2 years from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in dispute. Thus the second party has failed to prove the justness of for absorption and regularization.

Looking to the above observation I hereby pass the following order :

ORDER

The action of the management of ONGC Ankleshwar Project, Ankleshwar not considering the demand of Shri Gohil Bharatbhai Gordhanbhai & 30 others (as per list enclosed) for absorption and regularization is justified. The workmen are not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Dated : 23-08-05
Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1367.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माईन्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बेंगलूर के पंचाट (संदर्भ संख्या 48/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-03-2006 को प्राप्त हुआ था।

[सं. एल-29011/33/2002-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1367.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award Ref. 48/2002 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of Bharat Gold Mines Ltd., Suvarna and their workmen, received by the Central Government on 08-03-2006

[No. L-29011/33/2002-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, the 6th February, 2006

PRESENT

Shri A.R. Siddiqui, Presiding officer

C.R. No. 48/02

I Party	II Party
Shri Padmanabhan B,	The Managing Director,
No. 7, MRE Quarters,	Bharat Gold Mines Ltd.,
Near N.D. Ration Office,	Suvarna Bhawan,
Oorgaum,	KGF,
Karnataka	Oorgaum
	Karnataka

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (2A) of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-29011/33/2002 IR(M) dated 21st August, 2002 for adjudication on the following schedule :

SCHEDULE

“Whether the management of BGML is justified by reducing the basic pay of Shri Padmanabhan (PE No. 114532) w.e.f. 24-2-2000 for the misconduct committed by him? If not, what relief Shri Padmanabhan is entitled to and from which date?”

2. While challenging the impugned punishment order dated 24-2-2000, reducing his basic pay w.e.f. 24-2-2000 the first party in his Claim Statement also challenged the enquiry proceedings as well as findings of the Enquiry Officer resulting into the punishment order. With regard to the merits of the case, his contention is that clauses 20(b), (12), (6) and 36 of the Certified Standing Orders of the management company are not attracted under the facts and circumstances of the case that is to say that he committed misconduct under the above said provisions of law. He contended that mere discussing with the higher officers about certain issues pertaining to the factory is not an act of misconduct by any stretch of imagination but unfortunately the Enquiry Officer has come to the conclusion that those acts of the first party amounts to misconduct. He contended that findings of the Enquiry Officer are not based on evidence brought on record and he has not analysed the evidence applying his mind properly and has submitted his findings to see that he is punished by the management.

3. The management filed the counter statement denying the contentions of the first party and asserted that enquiry held against the first party was in accordance with the principles of natural justice and findings of the Enquiry Officer were based upon sufficient and legal evidence and that the order passed by the Disciplinary Authority and then modified by the Appellate Authority are legal and justified.

4. Keeping in view the respective contentions of the parties with regard to validity and legality or otherwise of the enquiry proceedings, this Tribunal on 24-6-04 framed the following Preliminary Issue :—

“Whether the DE conducted against the First party by the Second party is fair & proper”

5. During the course of trial, the management examined Enquiry Officer as MW1 and got marked documents at Ex. M1 to M5 including the enquiry proceedings and the enquiry findings. First party examined himself and in his cross examination documents at Ex. M3(a), Ex. M4(a) & M4(b) were marked for the management.

6. After hearing the learned counsels for the respective parties, this Tribunal by its order dated 12-4-2005 recorded the finding on the abovesaid issue holding that DE held against the first party is fair and proper Thereupon, I have heard the learned counsels for the respective parties on the point of alleged perversity of the findings and the quantum of the punishment order.

7. Learned counsel for the first party submitted that in the evidence brought on record during the course of enquiry there is no statement made by the management witnesses about the threat of a murder given by the first party to his colleague Shri Sanjeeva Raju. He submitted that first party was just annoyed by the behaviour by the Manager, Shri K. Balakrishnan in the presence of his subordinates. Therefore, he submitted that charges of misconduct levelled against the First party are not proved.

8. Whereas, learned counsel for the management submitted that findings of the Enquiry Officer and the statements of various witnesses who were eye witnesses to the incident examined before the Enquiry Officer would go to establish that the First party misbehaved rather behaved disorderly and quarrelled with Mr. Balakrishnan and Sanjeeva Raju abused therein filthy words and also made an attempt to assault by grabbing a plate kept on the table before Mr. Balakrishnan and plunged on the wall. He also took tumbler, smashed into pieces and pulled a steel chair with intension to assault the said two persons. He submitted that certified standing orders of the company vide clause 20(b), (12)(c) and 36 are very much applicable to the case on hand and therefore, first party was rightly punished by the disciplinary authority, that too taking a lenient view though the misconduct committed by him was very grave in nature inviting severe punishment of dismissal. He submitted that the order of disciplinary authority in punishing the first party in fact was to the effect that his designation should be changed from Foreman-II (Mechanical) to Asstt. Foreman (Mechanical) in 'E' grade but the Appellate Authority taking lenient

view reduced his basic pay scale and therefore, punishment order is in accordance with rules.

9. After having gone through the enquiry findings coupled with the evidence of the management witnesses and so also the statement of first party before the Enquiry Officer I do not find any force in the contention of the First party that findings of the Enquiry Officer suffered from any perversity. In order to appreciate the arguments advanced by the management as well as for the first party it appears to me worthwhile to bring on record the statements of few of the important management witnesses namely Shri Jayaprakash, S. Rock Stoney, Officers incharge of VTU Centre, Sanjeev Raju, Rescution Superintendent, Shri K. Balakrishnan, Ag. DGM (Safety), Padmanabhan, Foreman, Mechanical-II so as to ascertain whether the charges levelled against the first party have been proved or not. Their Statements relevant for the purpose are as under:—

Shri Jayaprakash, PE No. 133659, Clerk/Typlst has deposed in the enquiry that on 2-7-1999, when Shri K. Balakrishnan, Ag. DGM(S) and Shri Sanjeeva Raju, Rescue Superintendent were discussing about the implementation of special training programme and suggested to bring staff (instructor) from other units on deputation. Shri B. Padmanabhan started arguing with Shri K. Balakrishnan and challenged with him and started questioning him about the entry of Shri Sanjeeva Raju, Rescue Superintendent, and ordered him to go out with loud voice, in the presence of Adil Basha, Koil Pitchai. He plunged glass tumbler, cups & Soucers on the wall which broken into pieces, immediately Shri K. Balakrishnan and Shri Rockstoney, DIC, VTVC and Shri Sanjeeva Raju, were moving towards gas chamber for inspection, Shri Padmanabhan, charge sheet employee turned towards Sanjeeva Raju with full rage and shouted him to get out of CTVC, abused him in a filthy language, threatened him with dire consequences.

Shri S. Rock Stoney, Officer Incharge, VTVC, deposed that on 2-7-1999, Shri K. Balakrishnan, Ag. DGM(S) Visited VTVC along with Shri Sanjeeva Raju, Rescue Superintendent, at about 10.30 am. They were discussing about the improvement of teaching by adding some more instructions from other units, this as humiliated Shri B. Padmanaban, as it was discussed infront of Shri Sanjeeva Raju, Rescue Superintendent, Shri K. Balakrishnan politely replied to Shri B. Padmanabhan by showing the booklet of revised scheduled training programme given by the DGMS, Dhanbad. Shri B. Padmanaban charge sheeted employee took a glass tumbler which was on the table threw it on the flap door and broken into pieces, took saucer and threw it with intention to assault him. Officer in charge Shri S. Rockstoney Shri K. Balakrishnan and Shri Sanjeeva Raju, moving towards the gas chamber, Shri B. Padmanabhan abused Shri Sanjeeva Raju to get out of VTVC and threatened him to murder.

Shri Sanjeeva Raju, PE No. 171778, Rescue Superintendent, deposed that on 2-9-1999, he was called by Shri K. Balakrishnan, Ag. DGM(S), along with him to visit VTVC Central to examine the flame safety lamps as there was gas testing examination fixed on 7-7-1999. At about 10-45 a.m. they went to VTVC and discussed with Shri Rockstoney, Officer in charge about the arrangements made for the special training programme. Shri K. Balakrishnan, suggested to bring Foreman to teach Electrical & Mechanical subject, the same has been narrated by Shri Rockstoney, when Shri Padmanabhan came to his chamber. Shri Padmanabhan reacted that he would not allow any person inside VTVC and challenged neither Shri K. Balakrishnan nor any body can transfer him to get out of VTVC abused him in filthy language and said that he will kick him out and threatened him to murder, rushed towards to assault, fortunately Shri Koil Pitchai prevented him, then said that Sanjeeva Raju belongs to Shri S. Rajagopal, Ex. MLA group, garlanded him during one union election and he pulled a steel chair to assault him, later he unfolded the chair and sat by the side of Shri K. Balakrishnan, challenged with him that the training programme will not going to produce 10 Kgs of gold or improve production, he behaved in a disorderly manner, threatened him with foul language, that he will being 80 to 90 poratta ghuzu activist to demonstrate at his office.

Shri Rockstoney sent message to call Shri Padmanabhan to his chamber, Shri Balakrishnan suggested not to disturb him while handling classes, however he was sent upon bringing Padmanaban to his chamber, after arrival of Padmanabhan Shri Rockstoney explained the suggestion made by Shri K. Balakrishnan, immediately Shri Padmanabhan got wild and argued, that by giving special training can it produce extra 10 Kgs gold for increasing life of the mine, he has argued with him in a very high pitch and he was shouting immediately he turned on Shri Sanjeeva Raju, scolded in a filthy language shouted at him to get out of VTVC, he has questioned Shri K. Balakrishnan, why he was brought Sanjeeva Raju, and he become more violent and grabed saucers which was on the table plunged it on the wall and grabed glass tumbler very violently smashed it on the table with intention to assault, the glass broken into pieces and few pieces fell on his shirt and hand, Shri Koil Pitchai try to control and pacify by him but he was not responded further he grabed a steel chair posing to assault and sat on the chair kept on shouting, grabed a training module book stated that put in a dust bin, when they were walking in the corridor, once again Shri Padmanabhan, shouted and challenged with Shri K. Batakrishnan, that he would murder Shri Sanjeeva Raju.

Shri Padmanabhan charge sheeted employee, PE No. 114532, deposed that while he was taking class in the lecture hall at about 10.45 a.m. Shri Jayaprakash, called him to the officers chamber, at that time he saw

that Shri Sanjeeva Raju, Foreman was sitting by the side of Shri K. Balakrishnan, Ag. DGM(S) was repeatedly told in the presence of Sanjeeva Raju, who is junior to him, that he is going to remove mechanical Foreman from VTVC which was humiliated him and got annoyed and sent Sanjeeva Raju to go out, as he want discuss with Ag. DGM (Safety) and removed cups and saucers and glass tumbler on the table unfortunately it was slipped from his hand, in his statement he has agreed that he has scolded Shri Sanjeeva Raju, as he was collected money from S. Rajagopal, Ex. MLA during one union election. While Shri Sanjeeva Raju followed Shri K. Balakrishnan for inspection at gas chamber he has prevented Shri Sanjeeva Raju, forcibly and warned him but not in filthy language.

10. Therefore, from the reading of the above said statements of management witnesses, it gets very much clear that the first party behaved in a very disorderly manner, abused his colleagues and higher officer in filthy language. In his own words by way of explanation given to the charge sheet and in his statement before the enquiry officer, he admitted that he was annoyed by the behaviour of said Mr. Balakrishnan in the presence of his junior Sanjeeva Raju and removed the plate and tumbler from his table, of course, with the rider that unfortunately those articles fell from his hand. He also admitted that he scolded said Sanjeeva Raju. In his explanation to the charge sheet marked at Ex. M2 he had stated that Balakrishnan, Manager insulted him in front of Sanjeeva Raju and he got angry and removed the plate and tumbler from his table. He also stated that he was scolding Shri Sanjeeva Raju stating that he had taken money and came to insult him. At para 3, he further stated that Shri Sanjeeva Raju tried to enter the Gas Chamber, having no right to enter the room and he stopped him forcibly and warned him. Therefore, from the above explanation of the first party to the charge sheet and his statement before the enquiry officer itself would suggest that he misbehaved rather behaved disorderly in the chamber of said Balakrishnan in the presence of the aforesaid witnesses and others. The fact that he abused his senior Balakrishnan and his junior Sanjeeva Raju and in a fit of anger took cups and saucer and tumbler from the table of Mr. Balakrishnan and also plunged those articles, smashed them into pieces and further tried to pull a steel folding chair, would make it abundantly clear that he made an attempt to assault his colleagues present during the course of discussion taken place in the office room of Mr. Balakrishnan. Therefore, I am of the considered view that the charges of misconduct levelled against the first party have been proved by sufficient and legal evidence. His contention that his behaviour on the above said date did not come under the definition of misconduct as per the aforesaid clauses of Certified Standing Orders is also without any force. Clauses 20(b)(12) and 20(b)(6) and 20(b) 36 read as under :—

“Quarrelling, fighting and assault within the employer's premises or outside the employer's premises if the same is in connection with employment.”

“Breach of any Standing Orders.”

“Carrying lethal weapons while at work, riotous or disorderly behaviour during working hours on the work premises, threatening or intimidating any co-employee or officer of the company within the employer's premises. drunkenness or other acts subversive of discipline.”

11. Therefore, from the persusal of the above said standing orders, it becomes evident that the first party has committed misconduct as per the charges levelled against him.

12. Now coming to the question of quantum of punishment, as noted above, the punishment given by the disciplinary authority was changing his designation from Foreman (Mechanical)-II to Assistant Foreman (Mechanical) in 'E' grade. On his preferring an appeal, the Appellate Authority took lenient view and modified the said punishment order by reducing his basic pay from Rs. 1645 to 1185/- (minimum of 'F' grade) in the pay scale of Rs. 1195-30-1485-32-1837.

13. Learned counsel for the first party submitted that the punishment given by the Appellate Authority was also very severe in nature as the basic pay of the first party amounting to Rs. 500/- per month has been reduced with cumulative effect, thereby, his sustaining financial loss of Rs. 500 per month from the date of punishment till the date of his retirement. Learned counsel for the management left to the court about the quantum of the punishment. Keeping in view the facts and circumstances of the case, I am of the opinion that the punishment by reducing the basic pay of the first party by one stage w.e.f. 24-2-00 may be restricted for the period elapsed between the date of the punishment till the date of passing of this award. Hence the reference is answered accordingly and following award is passed.

AWARD

Punishment by reducing the basic pay of the first party w.e.f. 24-2-2000 is ordered to be restricted till the date of this award. His reduced basic pay shall be restored from the date of this Award. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 6th February, 2006.)

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1368.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बागैरवाला स्टेन कं. के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 132/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-2006 को प्राप्त हुआ था।

[सं. एल-29011/34/2005-आई आर (विविध)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 8th March, 2006

S.O. 1368. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 132/05) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the management of M/s. Bagerwala Stone Co. Lime Stone Mine and their workmen, received by the Central Government on 08-03-2006.

[No. L-29011/34/2005-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

Case No. CGIT-132/2005.

Reference No. L-29011/34/2005-IR(M)

The General Secretary,
Rashtriya Mazdoor Sangh,
Ramganjmandi,
Distt. Kota (Raj.). ... Applicant

Versus

The Proprietor,
M/s Bagerwala Stone Co. Lime Stone Mine,
Chechat,
Kota (Raj.) ... Non-applicant

Present :

Presiding Officer : Sh. R.C. Sharma
For the applicant : None
For the non-applicant : None
Date of award : 21-02-2006

AWARD

1. The Central Government in exercise of the powers conferred under Clause D of sub-section 1 to Section 10 of the Industrial Disputes Act, 1947 (for short, 'the Act') has referred the following industrial dispute to this Tribunal for adjudication, which runs as under :—

“क्या राष्ट्रीय मजदूर संघ (इन्टक) रामगंजमंडी, जिला कोटा द्वारा प्रबन्धन मैसर्स बगेरवाल स्टोन कम्पनी, जिला कोटा, राजस्थान से उनकी खदान में कार्यरत कर्मकारों के लिए वित्तीय वर्ष 2003-2004 के लिए 20 प्रतिशत बोनस भुगतान की माँग उचित एवं न्यायसंगत है? यदि हाँ तो संबंधित कर्मकारों को कितने प्रतिशत बोनस भुगतान के हकदार है?”

2. Pursuant to the receipt of the reference, the registered notices to both the parties were issued by the Court. On 18-1-2006, none appeared on behalf of either of the parties. But on 20-1-2006, a letter written by the General Secretary, Rashtriya Mazdoor Sangh, Ramganjmandi, Distt. Kota was received in this Court, whereby he has requested that since he is busy with other Courts he is not able to attend the CGIT on 18-1-2006 at Jaipur. On 18-1-2006, the case was posted for 8-2-2006. On this date, too none

appeared on behalf of either of the parties, but again a letter was received in the Court from the General Secretary, Rashtriya Mazdoor Sangh, again submitting that as he is busy with other Courts he is unable to attend this CGIT at Jaipur. Thereafter, the case was adjourned to 21-2-2006. But on this date, too, none appeared.

3. It is apparent that even the Central Government issued the notices to both the parties with a direction to the claimant to file the statement of claim complete with relevant documents, list of reliance and witnesses with the Tribunal within 15 days of the receipt of its order of reference. But on behalf of the applicant-union, none has put the appearance before the Court, nor the claim statement has been filed. It appears that to avoid the court proceedings, the General Secretary of the Association is seeking adjournment after adjournment without appearing before the Tribunal and the applicant union is not interested to plead the case. No reasonable explanation could be offered on behalf of the applicant-union for its absence during the three consecutive dates. It was the bounden duty of the applicant-Union to file the claim and plead the workmen's case, but it failed to discharge the burden of proof of establishing the workmen's claim. Therefore, the claim espoused by the Union deserves to be rejected.

4. Accordingly, the reference is answered in the negative against the applicant-union and it is held that the demand made by the applicant-union for payment of 20 per cent bonus during the financial year 2003-04 by M/s Bagerwala Stone Company, Distt. Kota to its employees working in the mines is not reasonable and justified. An Award is passed in these terms accordingly.

5. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1369.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान जिंक लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, उदयपुर के पंचाट (संदर्भ संख्या 01/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-2006 को प्राप्त हुआ था।

[सं. एल-29011/34/2002-आई आर (विविध)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1369. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 01/2003) of the Industrial Tribunal, Udaipur as shown in the Annexure, in the industrial dispute between the management of Hindustan Zinc Ltd., and their workmen, received by the Central Government on 8-3-2006.

[No. L-29011/34/2002-IR(M)]

B. M. DAVID, Under Secy.

अनुबंध

**औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर
(राज०) पीठासीन अधिकारी--उषा अग्रवाल, आर. एच. जे. एस.**

प्रकरण सं० 01/2003 श्रम वाद

श्री बबलू पुत्र श्री लक्ष्मीनारायण हरिजन स्वीपर, हिन्दुस्तान जिंक लि०
जावर माईन्स, मकान नं० 41, गांधीनगर मल्ला तलाई, उदयपुर

--- प्रार्थी

विरुद्ध

श्री जनरल मैनेजर, हिन्दुस्तान जिंक लिमिटेड,
जावर माईन्स, तहसील गिर्वा, जिला उदयपुर

--- विपक्षी

उपस्थित :-

प्रार्थी की ओर से :- श्री सी. पी. शर्मा

विपक्षी की ओर से :- श्री बी. एल. गुप्ता

पंचाट

दिनांक 31-1-06

भारत सरकार के श्रम विभाग की अधिसूचना सं० एल-29011/84/2002/आई आर (एम) न्यू देहली दिनांक 13-2-2003 के द्वारा निम्नलिखित प्रसंग इस न्यायालय को अधिनियमित हेतु प्राप्त हुआ :-

क्या महारथबन्धक, हिन्दुस्तान जिंक लि० जावर माईन्स, जिला उदयपुर द्वारा कर्मकार श्री बबलू पुत्र श्री लक्ष्मीनारायण हरिजन एक्स स्वीपर का दिनांक 31-3-2000 से नौकरी से बर्खास्त करना और छंटनी मुआवजा आदि नहीं देना उचित एवं वैध है ? यदि नहीं तो कर्मकार किस राहत को पाने का अधिकारी है ?

उक्त आशय का प्रसंग प्राप्त होने पर न्यायालय द्वारा दिनांक 4-4-2003 को दर्ज रजिस्टर किया जाकर पक्षकारान को नोटिस जारी किये गये जिस पर प्रार्थी की ओर से क्लेम व विपक्षी की ओर से जबाब पेश किया गया।

प्रार्थी की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार है कि—प्रार्थी विपक्षी हिन्दुस्तान जिंक के जावर माईन्स में सेनीटेशन विभाग में दिनांक 16-1-92 से कार्य करता आ रहा है तथा प्रार्थी के कार्य एवं पद में किसी तरह की कोई शिकायत नहीं रही। प्रार्थी को दिनांक 31-3-2000 को गैर कानूनी तरीके से मिथ्या आरोप पर सेवा पृथक् कर दिया जबकि प्रार्थी ने ऐसा कोई कार्य नहीं किया जिसके आधार पर प्रार्थी को सेवा से पृथक् किया जा सके। विपक्षी द्वारा कराई गई जांच में प्रार्थी को अनाधिकृत रूप से अनुपस्थित रहने का दोषी पाया गया जबकि प्रार्थी अनाधिकृत रूप से अनुपस्थित नहीं रहा, प्रार्थी ने सदैव ही अपने अवकाश पर रहने की सूचना सक्षम अधिकारी को प्रेषित करवायी। प्रार्थी टी. बी. का मरीज है इसकी सूचना विपक्षी को भली भांति है, क्योंकि प्रार्थी प्रारम्भ में विपक्षी द्वारा संचालित चिकित्सालय में भर्ती हुआ वहां से प्रार्थी को सार्वजनिक चिकित्सालय में रेफर किया उसके बावजूद भी प्रार्थी को अनाधिकृत अनुपस्थित रहने के आधार पर सेवा से पृथक् कर देना प्राकृतिक न्याय का उल्लंघन है। प्रार्थी ने बीमार होने की सूचना विपक्षी प्रतिष्ठान में विधिवत् प्रस्तुत कर दी, चिकित्सा

प्रमाण पत्र भी प्रस्तुत कर दिया, प्रार्थी जब बीमार था और चलने फिरने की स्थिति में नहीं था उस समय प्रार्थी ने अपनी पत्नी व पिता के साथ लिखित में छुट्टी का प्रार्थना पत्र संबंधित अधिकारी को भिजवाया और प्रार्थी की पत्नी व पिता सूचना लेकर जाते तो विभाग के अधिकारी बताते की सूचना टाईम आफिस में दो वटाईम आफिस वाले कहते कि संबंधित विभाग में दो इस प्रकार जान बूझ कर प्रार्थी के अवकाश की सूचना प्राप्त नहीं की। जांच कार्यवाही के दौरान प्रार्थी को न तो अपना पक्ष रखने का अवसर दिया, न ही प्रार्थी द्वारा प्रस्तुत दस्तावेजों को रेकार्ड पर लिया, मनमाफिक एक पक्षीय तरीके से प्रार्थी को दोषी करार दे दिया। प्रार्थी ने विपक्षी कम्पनी से अपने विरुद्ध की गई जांच कार्यवाही की रिपोर्ट व दस्तावेजों की नकल बाबत कई बार अनुरोध किया मगर उसे नकले नहीं दी गई। जिसके कारण प्रार्थी अपना पक्ष समुचित रख पाने में सक्षम नहीं है। प्रार्थी को सेवा मुक्त किए जाने के बाद से प्रार्थी पूर्णतया बेरोजगारी की स्थिति में है। प्रार्थी की सेवामुक्ति जिस आधार पर की गई वह आधार भी ऐसा नहीं है जिसकी सजा सेवामुक्ति के रूप में दे दी जाए। प्रार्थी की सेवामुक्ति पूर्णतया विधि विपरीत है। अतः निवेदन किया है कि कम्पनी द्वारा कराई गई जांच को विधि विरुद्ध घोषित कर प्रार्थी को पुनः सेवा में बकाया वेतन व अन्य परिलाभों सहित रखे जाने का अवार्ड जारी किया जाये।

विपक्षी ने अपने जबाब में यह अंकित किया है कि प्रार्थी 16-1-92 से 1-3-93 तक सेनीटेशन विभाग में बतौर स्वीपर (नेमिंटिक) के पद पर कार्यरत था तत्पश्चात् 2-3-93 से अस्थाई/बदली स्वीपर के पूल में शामिल किया गया उसके बाद 1-7-97 से स्वीपर III के पद पर स्थाई नियुक्ति दी। प्रार्थी अनाधिकृत रूप से अनुपस्थित रहने का आदि था जिससे कम्पनी कार्य में बाधा उत्पन्न होती थी। प्रार्थी अस्थाई/बदली स्वीपर पद पर रहते हुए अनुपस्थित रहा जिस कारण आरोप पत्र सं. 3437 दिनांक 3/5-12-93 दिया जिसका स्पष्टीकरण 12-12-93 को प्रार्थी ने दिया जो संतोषप्रद न पाया व आरोप साबित होने के कारण प्रार्थी को श्रेणी प्रथम के वेतनमान से देय मूल वेतन को कम कर उसका वेतन समेकित वेतन 1480 श्रेणी I के स्केल द्वितीय व उस पर देय विशेष मंहगाई भत्ते पर नियत किया और जो आदेश प्रदर्श एम-1 है। स्थायी नियुक्ति के पश्चात् परीक्षा काम में 6-6 मास के लिए 3 बार अनाधिकृत रूप से अनुपस्थित रहने के कारण बढ़ाया गया जो प्रदर्श 2, 3, 4 है। फिर भी प्रार्थी के अनाधिकृत अनुपस्थित रहने की आदत में कोई सुधार न होने के कारण आरोप क्रमांक 3910 दिनांक 14/18-3-99 जारी किया प्रार्थी का जबाब संतोषप्रद न होने के कारण जांच कार्यवाही की व जांच में अनाधिकृत रूप से अनुपस्थित रहने का दोषी पाया गया। प्रार्थी को एक कारण बताओं नोटिस के साथ जांच कार्यवाही एवं प्रतिवेदन की प्रति भेज कर स्पष्टीकरण हेतु लिखा जिसका प्रार्थी ने कोई स्पष्टीकरण प्रस्तुत नहीं किया, प्रार्थी की ओर से कोई जबाब न आने से व आवेदन अनाधिकृत रूप से लगातार अनुपस्थित रहने के कारण पत्र क्रमांक 8477 दिनांक 10/31-3-2000 प्रदर्श एम-5 द्वारा प्रार्थी की सेवाएं समाप्त कर दी। डा. किरण सिंधवी से जांच कराई जाकर अपना पत्र रखने का पूरा मौका दिया, प्रार्थी को जांच कार्यवाही के दौरान सहकर्म की सहायता लेने हेतु भी कहा जिस पर प्रार्थी द्वारा यह कहा गया कि वह सहकर्म की आवश्यकता महसूस नहीं करता है जिसका उल्लेख जांच कार्यवाही में किया जो प्रदर्श एम-6 है। प्रार्थी का यह कथन कि अवकाश पर रहने

की सूचना सदैव सक्षम अधिकारी को प्रेषित की, मनगढ़न्त एवं बेबुनियाद है। प्रार्थी को कारण बताओ नोटिस क्रमांक 2730 दिनांक 5/7-1-2000 के साथ जांच कार्यवाही की प्रति संलग्न कर जांच कार्यवाही के निष्कर्ष प्रदर्श-7 व प्रस्तावित दण्ड की पूर्ण जानकारी दी कारण बताओ नोटिस प्रदर्श एम-8 जारी किया। कोई स्पष्टीकरण नहीं दिये जाने की स्थिति में उक्त प्रदर्श एम-8 में प्रस्तावित दण्ड को आदेश प्रदर्श एम-5 से संपुष्ट कर दिया। प्रार्थी किसी बीमारी से ग्रसित नहीं था क्योंकि उसके द्वारा पेश दस्तावेजों से ऐसा साबित नहीं होता है। विशेष कथन में भी इन्हीं तथ्यों को दोहराया है कि प्रार्थी अनाधिकृत रूप से अनुपस्थित रहने का आदि है इसलिए उसे बार बार नोटिस दिये व अंत में उसकी आदत में सुधार न होने से नियमानुसार जांच कराई जाकर उसे सेवा पृथक् किया जा उचित ही है। इसके अलावा अन्य कोई विकल्प नहीं था।

उभय पक्षकारों की बहस सुनी गई। पत्रावली का अवलोकन किया गया व जांच से संबंधित दस्तावेजों का भी अवलोकन किया गया।

अब यह देखा है कि क्या महाप्रबंधक हिन्दुस्तान जिंक लि. द्वारा कर्मचारी बबलू एक्स स्पीयर को दिनांक 31-3-2000 से नौकरी से बर्खास्त करना और छंटनी मुआवजा आदि नहीं देना उचित एवं वैध है।

विपक्षी द्वारा प्रार्थी को दिनांक 14/18-3-99 को एक आरोप पत्र इस आशय का दिया गया कि—

“आपके विरुद्ध निम्नांकित दुराचरणों के आरोप हैं—

यह है कि आपका उपस्थिति अभिलेख देखने से यह ज्ञात होता है कि आप आदतन अनाधिकृत रूप से छुट्टी से अनुपस्थित रहने के आदी है इस बात की पुष्टि निम्नलिखित अनुपस्थिति विवरण होती है—”

माह	अनाधिकृत अनुपस्थिति दिन
सितम्बर 1998	05
अक्टूबर 1998	01
नवम्बर 1998	04
दिसम्बर 1998	10

इस प्रकार आप द्वारा अधिकृत रूप से अनुपस्थित रहने से संस्थान के कार्यकलापों पर विपरीत प्रभाव पड़ा तथा अनुशासन भंग हुआ जो कि एक गम्भीर दुराचरण है।

आपका उपरोक्त कृत्य कम्पनी के प्रमाणित स्थायी आदेशों के खंड 19 के उपखंड 24 के तहत गम्भीर कराचरण है जिसके साबित हो जाने पर आपको कठोर दंड से दण्डित किया जा सकता है जिसमें कम्पनी सेवा से बर्खास्तगी भी शामिल है। अतः आपको निर्देश दिया जाता है कि इस आरोप पत्र के प्राप्त होने के 48 घंटे के भीतर अपना स्पष्टीकरण प्रस्तुत करें। यदि उपरोक्त अवधि में आपका स्पष्टीकरण प्राप्त नहीं हुआ तो यह मान लिया जायेगा कि आपको कुछ नहीं करना है, आप आरोपों को स्वीकार करते हैं तथा प्रबंधन आगे की कार्यवाही करने को स्वतन्त्र होगा।”

जिसका प्रार्थी आरोपित ने दिनांक 22-3-99 को अपना स्पष्टीकरण प्रस्तुत किया लेकिन स्पष्टीकरण संतोषप्रद नहीं पाये जाने से विपक्षी विभाग ने जांच कार्यवाही किया जाना उचित पाया तथा जांच कार्यवाही हेतु जांच अधिकारी डा. श्रीमती किरण सिंघवी उप चिकित्सा अधीक्षक को एवं प्रबन्धन प्रतिनिधि श्री के. जी. व्यास प्रशासनिक अधिकारी को नियुक्त किया इस सम्बन्ध में कार्यालय आदेश सं. 178 दिनांक 18/20-4-99 जारी किया गया।

जांच अधिकारी ने दिनांक 7-5-99 को एक पत्र जारी कर आरोपित श्रमिक बबलू को दिनांक 22-5-99 को जांच कार्यवाही हेतु उपस्थित होने के साथ ही जांच कार्यवाही में किसी सहकर्मी को लाना चाहे तो ला सकने बाबत लिखा।

दिनांक 22-5-99 को प्रातः 10.00 बजे जांच कार्यवाही में सम्मिलित होने हेतु जांच अधिकारी, प्रबंधन प्रतिनिधि एवं आरोपी श्री बबलू हरिजन उपस्थित हुए। जांच कार्यवाही में जांच अधिकारी द्वारा आरोप पत्र पढ़कर सुनाया गया और आरोपित को पूछा कि आप अपने पर लगाये गये आरोप को स्वीकार करते हैं तथा अपने सहकर्मी की आवश्यकता है या नहीं? जिस पर आरोपी ने बताया कि सहकर्मी की आवश्यकता नहीं समझते हैं एवं लगाये गए आरोप को स्वीकार करते हैं। जिस पर प्रबंध प्रतिनिधि का वक्तव्य लिया गया।

प्रबंधन प्रतिनिधि ने बताया कि अनाधिकृत अनुपस्थिति के संबंध में साक्ष्य स्वरूप एम-1 दस्तावेज प्रस्तुत किया तथा यह बताया कि आरोपी श्री बबलू (अस्थाई कर्मचारी सं. 559) एवं स्थायी कर्मचारी संख्या 21408 सेनिटेशन विभाग आदतन अनाधिकृत अनुपस्थित रहने का आदी है तथा अनाधिकृत अनुपस्थिति के कारण ही इनका परिवीक्षा काल (प्रोबेशन पीरियड) 6-6 मास के लिए दो बार बढ़ाया गया तथा वर्तमान में भी ये परिवीक्षा पर ही है साथ ही इसी प्रकार अनाधिकृत अनुपस्थिति के कारण ही पूर्व में इन्हे श्रेणी T के न्यूनतम (स्टेज) पर वेतन नियत किये जाने के दंड से दण्डित किया जा चुका है, किन्तु इनकी आदतन अनुपस्थिति में कोई सुधार नहीं पाया गया। जांच अधिकारी द्वारा आरोपी को प्रति परीक्षण करने को कहा किन्तु आरोपी ने कहा कि मुझे कुछ नहीं पूछना है तथा कोई बयान नहीं देना है क्योंकि मेरे से यह गलती हो चुकी है जिसे मैं स्वीकार करता हूं।

इस पर जांच अधिकारी ने प्रश्न किया कि आपने अनाधिकृत रूप से अनुपस्थिति रहने का क्या कारण है? जिसके उत्तर में आरोपित श्रमिक ने बताया कि मैं अक्सर बीमार रहता हूं। मुझे टी बी की बीमारी रह चुकी है। तथा मेरी बेटी को भी टी बी का इलाज चल रहा है जावर माईन्स व बड़ी अस्पताल में करीब 8 मास से चल रहा है। फिर जांच अधिकारी ने प्रश्न किया कि आपने अपने इलाज के बारे में अपने विभाग और टाईम आफिस में सूचना क्यों नहीं दी जिस पर आरोपित श्रमिक ने बताया कि मुझे भूत-प्रेत बाधा ने ग्रसित कर लिया जिससे झाड़ फूंक के लिये तांत्रिक के पास इलाज हेतु जाना पड़ा पर जिसका मेरे पास कोई प्रमाण उपलब्ध नहीं है। फिर प्रश्न किया कि क्या आप अपनी एवं अपनी पुत्र की बीमारी से संबंधित जांच व इलाज के प्रमाण स्वरूप कोई दस्तावेज प्रस्तुत कर सकते हैं। जिसके उत्तर में श्रमिक ने बताया हां मेरे पास जो भी इलाज से संबंधित प्रमाण-पत्र उपलब्ध हैं उन्हें मैं एक सप्ताह के अन्दर प्रस्तुत कर दूंगा। इस पर श्रमिक को

दस्तावेज पेश करने हेतु एक सप्ताह का समय दिया। जांच अधिकारी द्वारा आरोपित श्रमिक को यह भी पूछा कि आपको अपनी आदत में सुधार के बारे में कुछ कहना है जिस पर आरोपित श्रमिक ने यह जबाब दिया कि मैं आपको विश्वास दिलाता हूँ कि भविष्य में इस प्रकार अनाधिकृत अनुपस्थिति रह कर अपना और कम्पनी का नुकसान नहीं करूँगा व अनुशासन का पालन करूँगा। इस बार मुझे अंतिम बार क्षमा किया जाये। इसके अलावा मुझे और कुछ नहीं कहना है।

दिनांक 29-5-99 को आरोपी ने तीन दस्तावेज ए.ड.-1, 2, 3 प्रस्तुत किये जिनमें उनके एवं उनकी पुत्री के टी.बी. के इलाज की पर्चियाँ एवं प्रमाण-पत्र (बीमारी अवकाश) हैं दोनों ही पक्षों को जांच अधिकारी ने और कुछ कहने को अथवा पूछने को कहा इस पर दोनों ही पक्षों ने कुछ नहीं कहना बताया। व जांच कार्यवाही समाप्त की।

जांच अधिकारी ने अपनी रिपोर्ट दिनांक 7-9-99 को तैयार की जिसमें यह बताया कि आरोपित श्रमिक को आरोप सुनाये व समझाये गये तो आरोपित ने आरोप स्वीकार किया तथा इस संबंध में प्रबंधक की ओर से प्रबंधन प्रतिनिधि ने बताया कि श्रमिक आदतन अनुपस्थिति रहने का आदी है व अनुपस्थिति बाबत प्रदर्श एम-1 पेश किया। आरोपित से जिरह करने बाबत पूछा लेकिन उसने कोई जिरह नहीं की व पुनः अपनी गलती होना बताया तथा जो जांच के दौरान इलाज बाबत दस्तावेज पेश किये वे तीनों ही दस्तावेज अनुपस्थिति अवधि (सितम्बर 1998 से दिसम्बर 1998 के मध्य) के नहीं होने से आरोपित श्रमिक के विरुद्ध लगाये गये आरोप को प्रमाणित होना पाया।

विपक्षी कम्पनी द्वारा प्रार्थी को अनाधिकृत अनुपस्थिति बाबत आरोप पत्र दिया उसके बाद जांच अधिकारी डा. श्रीमती किरण सिंघवी व प्रबंधन प्रतिनिधि श्री के. सी. व्यास को नियुक्त किया। जांच कार्यवाही प्रारम्भ की व जांच कार्यवाही में आरोपित श्रमिक को आरोप पत्र पढ़ कर सुनवाया व समझाया इस पर आरोपित श्रमिक ने अपना अपराध स्वीकार किया व प्रबंधन प्रतिनिधि के व्यत्यय लिये इस पर आरोपित से जिरह करने का अवसर दिया लेकिन आरोपित ने कोई जिरह नहीं की व अपनी गलती को स्वीकार किया जिस पर जांच अधिकारी ने अपनी रिपोर्ट के द्वारा आरोपित श्रमिक के विरुद्ध आरोपित अपराध को प्रमाणित माना। इस प्रकार जो जांच कार्यवाही की गई है वह उचित तरीके से ही की गई है। जांच कार्यवाही में आरोपित श्रमिक ने अपने पर लगाये आरोप को स्वीकार किया है तथा प्रबन्ध प्रतिनिधि द्वारा दिये गये व्यत्यय पर भी कोई जिरह नहीं कर अपनी गलती को स्वीकार किया है। विपक्षी संस्थान द्वारा जो आरोप पत्र दिया है उसमें आरोपित श्रमिक का सितम्बर 98 से दिसम्बर 98 तक लगातार 4 महीने में उसका अनुपस्थित होना बताया है जबकि विपक्षी संस्थान के स्थाई आदेश सं. 19 (24) में "आदतन अनाधिकृत अनुपस्थिति" को कदाचरण बता रखा है। प्रकार श्रमिक एक ही वर्ष में चार बार अनाधिकृत रूप से अनुपस्थित रहा है। इसके पूर्व भी वर्ष 1995 में आदेश सं. 6869 दिनांक 8/14-3-95 में आरोपित श्रमिक को श्रेणी प्रथम से श्रेणी द्वितीय चेतनमान में करने के दण्ड से दण्डित किया था। तथा अनाधिकृत अनुपस्थिति के कारण प्रार्थी आरोपित की परीक्षा अवधि में भी 1-6-98 के 6 माह की 1-1-99 व 1-7-99 से 6-6 माह के लिये बढ़ाई गई है। प्रार्थी द्वारा इन सभी तथ्यों का कोई खण्डन नहीं किया है, बल्कि उसने तो अपने पर लगाये आरोप को स्वीकार किया है तथा प्रबन्धन प्रतिनिधि से भी कोई जिरह नहीं की है तथा यह बताया कि उससे गलती हो गई है। इसके अलावा जांच के

दौरान जो दस्तावेज इलाज से संबंधित पेश किये हैं वे अनुपस्थिति अवधि सितम्बर 1998 से दिसम्बर 1998 के मध्य नहीं हैं।

इस प्रकार जांच अधिकारी द्वारा जो जांच कार्यवाही की गई है व जांच में जो लगातार अनाधिकृत अनुपस्थिति का दोषी पाया है वह जांच कार्यवाही उचित एवं फैर है उसमें प्रार्थी को आरोप सुनाये हैं, प्रार्थी को प्रतिरक्षा का अवसर दिया है, प्रार्थी ने आरोप को स्वीकार किया है, उसे चिकित्सा से संबंधित दस्तावेज पेश करने का भी अवसर दिया है।

अब यह देखना है कि क्या प्रबन्धन द्वारा दिया गया दण्ड आरोपित द्वारा किये गये अपराध के समतुल्य है ?

चूंकि प्रार्थी/आरोपित श्रमिक द्वारा अपने पर लगाये गये आरोप को स्वीकार किया है, प्रबन्धन प्रतिनिधि द्वारा दिये गये व्यत्यय पर कोई जिरह नहीं की है तथा इससे पूर्व भी प्रार्थी को अनुपस्थिति का दोषी पाया गया था और उसे श्रेणी प्रथम से श्रेणी द्वितीय के दण्ड से दण्डित भी किया गया था आदतन अनुपस्थिति के कारण उसकी परीक्षा अवधि भी 6-6 माह के लिये बढ़ाई गई है। इस प्रकार श्रमिक आदतन अनाधिकृत अनुपस्थित रहने का दोषी पाया गया है। प्रार्थी ने ऐसा कोई तथ्य नहीं बताया कि उसने अवकाश हेतु कोई प्रार्थना पत्र प्रेषित किया हो न ही उक्त अवधि के बाबत कोई चिकित्सा प्रमाण-पत्र पेश किया है बल्कि आरोपित ने यह बताया कि वह भूत-प्रेत बाधा से ग्रसित था जिससे झाड़ फूंक के लिये तांत्रिक के पास इलाज हेतु गया था जिसका उसके पास कोई प्रमाण उपलब्ध नहीं है। विपक्षी द्वारा जो आरोपित श्रमिक की अनुपस्थिति का विवरण पेश किया है जिसमें भी जून से दिसम्बर 97 में श्रमिक 67 दिन मेडिकल ग्राउन्ड पर व 8 दिन अनाधिकृत रूप से अनुपस्थित रहा तथा जनवरी से अप्रैल 1998 के मध्य 62 दिन मेडिकल ग्राउन्ड पर व 4 दिन अनाधिकृत रूप से अनुपस्थित रहा, मई से अगस्त 98 के मध्य भी 80 दिन मेडिकल ग्राउन्ड पर व अवकाश में रहा। इस प्रकार प्रार्थी जून से दिसम्बर 97 के मध्य 8 दिन व जनवरी से अप्रैल 98 के मध्य 4 दिन व सितम्बर से दिसम्बर 98 के मध्य 20 दिन अनाधिकृत रूप से अनुपस्थित रहा है इसके बाद जनवरी से अप्रैल 99 के मध्य 4 दिन, मई से अगस्त 99 के मध्य 7 दिन व सितम्बर से दिसम्बर 99 के मध्य 101 दिन अनाधिकृत रूप से अनुपस्थित रहा है। इस प्रकार जो श्रमिक परीक्षा काल पर बार-बार अनुपस्थित रहा है तथा उसे जो कम्पनी के स्थाई आदेश 19 (24) के तहत अनाधिकृत अनुपस्थिति के कारण कदाचरण का दोषी पाया है तथा उस आरोप के कारण उसे जांच कार्यवाही के साथ पत्र सं. 2730 दिनांक 5/7-1-2000 व पत्र क्रमांक ही 7315 दिनांक 20-1-2000 भेज कर स्पष्टीकरण मांगा था लेकिन श्रमिक आरोपित द्वारा कोई स्पष्टीकरण न दिये जाने से उप महाप्रबन्ध हिन्दुस्तान जिंक लिमिटेड द्वारा अपने आदेश सं. 8477 दिनांक 10/31-3-2000 से जो सेवा मुक्त किया गया है वह उचित एवं वैध है तथा उसमें कोई हस्तक्षेप किया जाना उचित नहीं है।

प्रार्थी प्रतिनिधि ने 2004 (102) एफ. एल. आर. पेज 499 यूनिजन ऑफ इण्डिया बनाम अशरफ अली का विधिक दृष्टान्त पेश कर यह बताया कि प्रबन्धन द्वारा दिये गये दण्डादेश दुराचरण के समतुल्य न होकर अत्यधिक हो तभी यह न्यायालय अन्तर्गत धारा 11 (ए) औ. वि. अधि. के अन्तर्गत हस्तक्षेप कर सकता है। प्रार्थी आदतन अनुपस्थित रहने का आदि है प्रार्थी ने आरोपित अवधि में स्वयं व अपनी पुत्री की बीमारी बाबत अभिकथन किये हैं लेकिन कोई दस्तावेजी साक्ष्य उक्त

अवधि बाबत प्रस्तुत नहीं की है, अतः प्रार्थी जानबूझ कर बिना अवकाश स्वीकृत करायें अनुपस्थित रहा है। प्रार्थी की जांच कार्यवाही के दौरान भी परीक्षा अवधि 6-6 माह की बढ़ाई गई है। परीक्षा काल में जो अवधि बढ़ाई गई उसमें भी अनाधिकृत अनुपस्थिति का कारण बताया गया है इस प्रकार प्रार्थी आरोप पत्र दिये जाने के पश्चात् भी संस्थान में कार्य हेतु बराबर उपस्थित नहीं हुआ है। न ही प्रार्थी ने जांच कार्यवाही के दौरान यह अभिकथन किया है कि वह अन्य किसी बीमारी से ग्रसित था। इस प्रकार प्रार्थी ने अपने सेवा कार्य में कोई सुधार नहीं किया है ऐसी स्थिति में यह न्यायालय विपक्षी संस्थान द्वारा दिनांक 31-3-2000 को सेवामुक्त किये जाने के आदेश में कोई हस्तक्षेप किया जाना उचित नहीं समझती है न ही ऐसा कोई औचित्य पाती है। बल्कि जो विधि दृष्टान्त प्रस्तुत किया है उस मामले में तो आरोपित पहले से ही छुट्टी में था तथा उसने बीमारी का चिकित्सा प्रमाण-पत्र भिजवा दिया था, जिस अवधि में वह अनुपस्थित था परन्तु उसकी गलती यह थी कि उसने प्रमाण-पत्र के साथ प्रार्थना पत्र प्रस्तुत नहीं किया था, जबकि हस्तगत प्रकरण में प्रार्थी ने यह नहीं बताया कि उसने कोई इलाज नहीं कराया व भूत-प्रेत से ग्रसित था जिससे झाड़-फूंक के पास तांत्रिक के पास इलाज हेतु जाना पड़ा व उसके पास कोई प्रमाण नहीं है तथा विधि दृष्टान्त वाले मामले में तो आरोपित श्रमिक ने 24 वर्ष की संतोषप्रद रूप से सेवा कर ली थी तथा सेवानिवृत्ति का लाभ न दिये जाने के उद्देश्य से संस्थान ने ऐसा किया है, जबकि हस्तगत प्रकरण में तो प्रार्थी परीक्षा अवधि पर ही था इसलिये विधि दृष्टान्त वाले प्रकरण के तथ्य इस मामले में लागू नहीं होते हैं। इसलिये आरोपित श्रमिक बबलू को विपक्षी संस्थान द्वारा जो सेवा से बर्खास्त किया गया है वह उचित एवं वैध है। प्रार्थी को उचित तरीके से साधारणतः सेवा से सेवामुक्त किया है इसलिये प्रार्थी कोई राहत व राशि पाने का अधिकारी नहीं है।

भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित प्रसंग को उद्धृत करते हुए पंचाट इस प्रकार पारित किया जाता है कि महाप्रबन्धक, हिन्दुस्तान जिंक लि. जावरमाईन्स जिला उदयपुर द्वारा कर्मकार बबलू पुत्र श्री लक्ष्मीनारायण हरिजन एक्स स्वीपर को दिनांक 31-3-2000 से नौकरी से बर्खास्त करना और छंटनी मुआवजा आदि नहीं देना उचित एवं वैध है। अतः कर्मकार कोई राहत व राशि पाने का अधिकारी नहीं है।

पंचाट प्रकाशनार्थ भारत सरकार को भेजा जावे।

उषा अग्रवाल पीठासीन अधिकारी

नई दिल्ली, 8 मार्च, 2006

का. आ. 1370.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान स्टेट मिनरल डवलपमेंट कार्पो. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण उदयपुर के पंचाट (संदर्भ संख्या 7/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-2006 को प्राप्त हुआ था।

[सं. एल-29012/140/2000-आई आर (विविध)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1370.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 07/2001) of the Industrial Tribunal Udaipur as shown in the Annexure in the industrial dispute between the management of Rajasthan State Mineral Development Corp. Ltd. and their workmen, received by the Central Government on 8-3-2006.

[No. L-29012/140/2000-IR(M)]

B. M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर
(राज.) पीठासीन अधिकारी—उषा अग्रवाल,
आर. एच. जे. एस.

प्रकरण सं. 07/2001

श्री कमलचन्द पुत्र लखाजी डांगी, ब्लास्टर हेल्पर कामपुर माईन्स,
ग्राम खरबडिया, पोस्ट मदन, तह. गिरवा, जिला उदयपुर

—प्रार्थी

बनाम

1. श्री मुख्य खनिज अभियन्ता, राज. राज्य खनिज विकास निगम खनिज भवन, तिलक मार्ग, जयपुर
2. श्री प्रबन्धक, राजस्थान स्टेट माईन्स एण्ड मिनरल्स लि. उदयपुर

—विपक्षीगण

उपस्थित:—

प्रार्थी की ओर से :— श्री सी. पी. शर्मा,
विपक्षी की ओर से :— श्री सुन्दरलाल माण्डावत

पंचाट

दिनांक 2-2-06

भारत सरकार के श्रम मंत्रालय की अधिसूचना नं. एल 29012/140/2000/आई आर (एम) न्यू देहली दिनांक 30-3-2001 के द्वारा निम्नलिखित सूचना इस न्यायालय को अधिनिर्णय हेतु प्रेषित की गई:—

"Whether the termination of service of Shri Kamal Chand S/o Shri Lakha Ji Dang, Ex Blaster Helper by the Management of RSMDC Ltd., Jaipur by way of Voluntary Retirement Scheme w. e. f. 12-4-97 is legal and justified? If not, to what relief the workman concerned entitled?"

उक्त आशय का प्रसंग प्राप्त होने पर न्यायालय द्वारा दिनांक 1-5-01 को नियमित श्रम वाद सं. 07/2001 दर्ज रजिस्टर किया जाकर पक्षकारान को नोटिस जारी किये गये। जिस पर प्रार्थी की ओर से क्लेम व विपक्षी की ओर से जबाब पेश किया गया।

प्रार्थी की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार हैं कि—प्रार्थी विपक्षी के अधीन लगभग 24 वर्षों से कार्यरत होकर अंतिम

समय कानपुर माईन्स में कार्यरत था परन्तु उसे दिनांक 31-3-97 को प्रोजेक्ट ऑफिस के बाबू ने उसे अनभिज्ञ रख स्वैच्छिक सेवानिवृत्ति के फार्म पर हस्ताक्षर करा लिये। इस वक्त उसकी माता का देहान्त हो जाने से उसका मानसिक संतुलन भी ठीक नहीं था। प्रार्थी ने गृह निर्माण जी. पी. एच. से ऋण हेतु दिनांक 8-5-96 को आवेदन कर रखा था। प्रार्थी को उदयपुर ऑफिस में बुला कर जी. पी. एच. से ऋण संबंधित कागजातों पर हस्ताक्षर करवाने का भुलावे में रख कर उसके स्वैच्छिक सेवानिवृत्ति के आवेदन पर दिनांक 31-3-97 को हस्ताक्षर करवा लिये, माता का देहान्त होने से उसका मानसिक संतुलन ठीक नहीं था व प्रोजेक्ट ऑफिस के बाबू के बताये अनुसार 2-3 कागजों पर हस्ताक्षर करवा लिये जिनमें स्वैच्छिक सेवानिवृत्ति फार्म पर भी हस्ताक्षर करवा लिये। प्रार्थी को जब पता चला तो उसने दिनांक 21-4-97 को प्रार्थना पत्र भेज कर स्वैच्छिक सेवानिवृत्ति के आवेदन को निरस्त कर उसे पुनः काम पर लेने का अनुरोध किया दिनांक 21-4-97 को प्रार्थी ने आवेदन भेजा उससे पूर्व उसे स्वैच्छिक सेवा निवृत्ति के आवेदन स्वीकार करते हुए कार्यमुक्त करने के संदर्भ में विपक्षी द्वारा कोई आदेश नहीं दिया गया था इसलिये स्वैच्छिक सेवानिवृत्ति का आवेदन स्वीकृत करने से पूर्व ही उसने उसे वापस ले लिया था। इसके बाद प्रार्थी ने दिनांक 13-5-97 को पुनः स्वैच्छिक सेवानिवृत्ति का आवेदन वापस लेने के संदर्भ में विपक्षी का पत्र लिखा इस पत्र को दिये जाने तक भी प्रार्थी की सेवानिवृत्ति बाबत कोई आदेश प्रार्थी को प्राप्त नहीं हुआ। प्रार्थी दिनांक 13-4-97 से ही अवकाश पर था एवं इस हेतु उसने विपक्षी को प्रार्थना पत्र दे रखा था। प्रार्थी के पत्र दिनांक 13-5-97 के जवाब में विपक्षी द्वारा अपने पत्र दिनांक 19-5-97 से प्रार्थी को सूचित किया कि उसका स्वैच्छिक सेवानिवृत्ति का फार्म स्वीकार किया जाकर उसे दिनांक 12-4-97 को ही रिलीव कर दिया गया है जबकि वास्तविकता यह है कि प्रार्थी को स्वैच्छिक सेवानिवृत्ति के प्रार्थना पत्र पर जब हस्ताक्षर कराये उसे जबरन अवकाश पर भेज दिया तथा 12-4-97 को वह अवकाश पर था, इसलिये अवकाश पर रहते रिलीव करने का कथन मिथ्या है। प्रार्थी को स्वैच्छिक सेवा निवृत्ति के आवेदन को वापस लेने का पूर्ण अधिकार था। प्रार्थी ने विपक्षी को पत्र दिनांक 21-7-97 भेज कर निवेदन किया कि वह सेवानिवृत्ति की राशि नहीं लेना चाहता है उसे ड्यूटी पर लिया जावे उसके वायजुद भी उसे ड्यूटी पर नहीं लिया गया। प्रार्थी ने विपक्षी को 21-6-99 को अपने अधिवक्ता द्वारा उसकी जबरन स्वैच्छिक सेवा निवृत्ति निरस्त कर ड्यूटी पर लेने हेतु नोटिस दिलाया परन्तु विपक्षी ने कोई उत्तर नहीं दिया। उक्त सेवानिवृत्ति का पत्र विपक्षी के बाबू द्वारा तैयार किया था, प्रार्थी से केवल हस्ताक्षर कराये थे, इसलिये उसका अवकाश 12-4-97 तक बकाया होने से उसे दिनांक 30-3-97 को दस्तखत करा कर उसी दिन से जबरन अवकाश पर भेज दिया व उसे धोखे में रख कर दिनांक 12-4-97 को स्वैच्छिक सेवानिवृत्ति का आवेदन स्वीकार कर लिया। अतः निवेदन किया कि प्रार्थी को विपक्षी द्वारा दिनांक 12-4-97 से स्वैच्छिक सेवानिवृत्ति किया जाना अनुचित एवं अवैध है इसलिये प्रार्थी को 12-4-97 से निरन्तरता के साथ वेतन व भत्तों सहित पुनः सेवा में लिये जाने का आदेश दिलाया जावे।

प्रार्थी ने उक्त प्रार्थना पत्र पूर्व में चेयरमेन एण्ड मैनेजिंग डायरेक्टर, राजस्थान खनिज विभाग के विरूद्ध ही पेश किया था, फिर दिनांक 11-5-04 को एक प्रार्थना पत्र पेश किया कि राज. स्टेट मिनरल्स डेवलपमेन्ट लि. का राजस्थान स्टेट माईन्स एण्ड मिनरल्स लि. के साथ

समामेलन हो गया है और अब यह राज. स्टेट माईन्स एण्ड मिनरल्स के नाम से जांची जाती है इसलिये राज. स्टेट माईन्स एण्ड मिनरल्स लि. को राज. स्टेट मिनरल्स डेवलपमेन्ट कार्पोरेशन लि. के बजाय पक्षकार बनाया जाना आवश्यक है। इस पर बहस सुनी जाकर दिनांक 12-10-04 को राज. स्टेट माईन्स एण्ड मिनरल्स लि. को पक्षकार बनाये जाने का आदेश दिया।

विपक्षी ने अपने जवाब में प्रार्थना पत्र के तथ्यों को झूठे व मनगडन्त होने के कारण अस्वीकार किया है तथा यह अंकित किया है कि प्रार्थी ने स्वैच्छिक सेवानिवृत्ति योजना के अन्तर्गत त्याग पत्र दिनांक 31-3-97 को प्रस्तुत किया जिसे निगम ने स्वीकार किया, परिणामस्वरूप वह दिनांक 12-4-97 को स्वैच्छिक सेवानिवृत्त होकर कार्यमुक्त हो गया। प्रार्थी ने दिनांक 31-4-97 को पत्र भेज कर स्वैच्छिक सेवानिवृत्ति को निरस्त करने का अनुरोध किया ऐसा कोई प्रार्थना पत्र विपक्षी को प्राप्त नहीं हुआ। यदि उसे अपने द्वारा दिये गये त्याग पत्र को वापस लेना होता तो वह दिनांक 12-4-97 से पूर्व इस प्रकार का कोई प्रार्थना पत्र प्रस्तुत कर दिया। प्रार्थी ने दिनांक 13-5-97 को एक प्रार्थना पत्र प्रस्तुत किया जिसमें निवेदन किया कि स्वैच्छिक सेवानिवृत्ति हेतु त्याग पत्र को निरस्त समझे एवं उसे पुनः नौकरी पर लेवे, लेकिन प्रार्थी दिनांक 12-4-97 को ही स्वैच्छिक सेवा निवृत्त होकर कार्य मुक्त हो गया था उसके बाद पुनः सेवा में लेने का कोई प्रार्थना पत्र स्वीकार नहीं है। प्रार्थी दिनांक 31-3-97 को दिया गया स्वैच्छिक सेवा निवृत्ति हेतु त्याग पत्र दिनांक 12-4-97 तक वापस लेने को स्वतन्त्र था जो उसने इस अवधि के अन्दर अपने द्वारा प्रस्तुत त्याग पत्र को वापस नहीं लिया व इस तथ्य को गलत बताया कि प्रार्थी को 12-4-97 के जबरन अवकाश पर भेजा व उसे रिलीव कर दिया, अवकाश पर होने की बात पूर्ण रूप से गलत है। प्रार्थी ने आवेदन 31-3-97 को दिया व 12-4-97 को आदेश सेवानिवृत्ति आदेश दिया व उसे रिलीव का आदेश भी दे दिया, ऐसी स्थिति में प्रार्थी द्वारा स्वैच्छिक सेवा निवृत्ति ली गयी वह पूर्ण रूप से सही है। उसने सेवा निवृत्ति योजना के अन्तर्गत देय परिलाभ का भुगतान मंहगाई भत्ता की नवीन दर से दिये जाने हेतु लिखा है, अन्य फार्म भरे हैं इससे स्पष्ट है कि उससे वह स्वैच्छिक सेवानिवृत्ति हेतु स्वयं इच्छुक था इसलिये उसने समस्त भुगतान ग्रहण किये। स्वैच्छिक सेवा निवृत्ति हेतु आवेदन प्रार्थी द्वारा प्रस्तुत किया गया उसके द्वारा अपने हस्ताक्षर किये और तत्संबंधी सभी लाभ उसके द्वारा प्राप्त किये गये इसलिये उसके द्वारा बाबू या अन्य व्यक्ति पर दोषरोपण करना पूर्ण रूप से गलत है। इसलिये प्रार्थी का प्रार्थना पत्र निरस्त किये जाने की प्रार्थना की है।

प्रार्थी ने अपने क्लेम के समर्थन में स्वयं का शपथ पत्र पेश किया व चतार गमेती का शपथ पत्र पेश किया। विपक्षी की ओर से और एस नरूका महाप्रबन्धक आर. एस. एम. एम. उदयपुर, अशोक कुमार बोल्था वरिष्ठ सहायक आर. एस. एम. एम. उदयपुर, शंकरलाल चौधरी वरिष्ठ सहायक आर. एस. एम. एम. एल उदयपुर का शपथ पत्र पेश हुआ। दोनों पक्षों ने एक दूसरे से जिरह की व संबंधित दस्तावेज को प्रदर्शित कराया गया।

बहस उभय पक्षकारान सुनी गई। पत्रावली का अवलोकन किया गया।

अब यह देखना है कि क्या विपक्षी द्वारा प्रार्थी कमलचन्द को स्वैच्छिक सेवानिवृत्त किया जाना उचित एवं वैध था?

प्रार्थी कमल चन्द ने अपने शपथ पत्र में यह अभिकथन किया है कि प्रार्थी विपक्षी के अधीन लगभग 24 वर्षों से कार्यरत होकर अंतिम समय कानपुर माईन्स पर कार्यरत था व उसे दिनांक 31-3-97 को प्रोजेक्ट ऑफिस के बाबू ने अनभिज्ञ रख कर स्वैच्छिक सेवानिवृत्ति के फार्म पर हस्ताक्षर करा लिये उस वक्त मेरी माता का देहान्त हो जाने से मेरा मानसिक संतुलन ठीक नहीं था। मैंने 8-5-96 को ऋण हेतु आवेदन किया था और ऋण संबंधित कागजों पर हस्ताक्षर करवाने का कह कर भुलावे में रखकर सेवानिवृत्ति के आवेदन पत्र पर 31-3-97 को हस्ताक्षर करा लिये। मैंने उक्त प्रार्थना पत्र वापस लेने हेतु पत्र 21-4-97 को प्रदर्श-2 भेजा व 13-4-97 से अवकाश हेतु दिये प्रार्थना पत्र की प्रति प्रदर्श-3 व 13-5-97 को दिया गया प्रार्थना पत्र प्रदर्श-4 है। विपक्षी का जवाब दिनांक 19-5-97 प्रदर्श-5 व विपक्षी का जवाब दिनांक 31-5-97 प्रदर्श-6 है। उक्त दस्तावेज को प्रदर्श करने के अलावा प्रार्थी ने क्लेम प्रार्थना पत्र के सभी तथ्यों को इस शपथ पत्र में भी दोहराया है।

विपक्षी प्रतिनिधि द्वारा की गई जिरह में प्रार्थी ने यह बयान दिया है कि मेरी माता का देहवासन 29-3-97 को हुआ था। मेरी माता मरी उसका कागज मैंने पत्रावली पर पेश कर रखा है जो प्रदर्श-2 है। दिनांक 31-3-97 को जिस बाबू ने मेरे हस्ताक्षर कराये उन बाबू का नाम नरूक है। शपथ पत्र में बाबू का नाम याद न होने से नहीं लिखाया। 31-3-97 को अनभिज्ञ रख कर सेवानिवृत्ति कराने के सम्बन्ध में मैंने किसी को कोई शिकायत नहीं की। 8-5-96 को जी.पी.एफ. ऋण लेने हेतु आवेदन कर रखा है, उसका कोई कागज पत्रावली में पेश नहीं किया। 8-5-96 के याद में 31-3-97 को ही ऑफिस में गया। मेरी माता 29-3-97 को मरी उसके याद में 13-4-97 को ऑफिस में गया था इसके बीच मैं छुट्टी पर ही था। 21-4-97 को मैं ऑफिस में गया या नहीं मुझे मालूम नहीं, याद में बताया कि 21-4-97 को ऑफिस गया था। बी.आर.एस. का कोई नोटिस हमने प्राप्त नहीं हुआ। प्रदर्श-5 मुझे मिला या नहीं ये मैं नहीं बता सकता, क्योंकि ये कागज अंग्रेजी में लिखा हुआ है। प्रदर्श-6 मुझे प्राप्त हुआ उसके याद में उच्च अधिकारियों को शिक्कपत्र की गई या नहीं ये मुझे याद नहीं है। प्रदर्श-9 पर ए से बी हस्ताक्षर मेरे हैं व स्वैच्छा से किये हैं। प्रदर्श-2 पर मैंने स्वयं ने हस्ताक्षर किये। प्रदर्श-7 मेरे द्वारा रजिस्ट्री करवायी गयी जिसकी पोस्टल रसीद पत्रावली में पेश नहीं की। उसकी ए.डी. रसीद भी होगी। प्रदर्श-8 मेरे द्वारा पक्कर हस्ताक्षर किये हैं और उसकी रजिस्ट्री मेरे द्वारा करवाई गई है विपक्षी संस्थान के विरुद्ध मैंने कोई धोखाधड़ी की शिकायत नहीं की। प्रदर्श-3 पर मेरे ए से बी हस्ताक्षर हैं और उन पर जो बातें लिखी वो मैंने अपनी स्वैच्छा से लिखी थी। 31-3-97 को जबरदस्ती हस्ताक्षर कराये इसकी जानकारी हमें 1-2-97 को हो गई थी। इसकी कार्यवाही ऑफिस में लिखित में की थी जिसकी कापी मैंने पेश नहीं की। प्रदर्श-3 दिनांक 12-4-97 को दी, यह सही है कि इसमें यह नहीं लिखा कि 31-3-97 को जबरदस्ती हस्ताक्षर कराये गये थे या अनभिज्ञता में कराये थे। यह सही है 12-4-97 को प्रदर्श-3 देने गया उस समय मुझे बता दिया कि बी.आर.एस. का प्रार्थना पत्र स्वीकार कर लिया गया है।

प्रार्थी की ओर से प्रस्तुत साक्षी चतरा ने अपने शपथ पत्र में यह अभिकथन लिया है कि 31-3-97 को प्रोजेक्ट ऑफिस के बाबू ने कमलचन्द को बुलाया और कहा कि जी.पी.एफ. के ऋण कागजों पर हस्ताक्षर कर दो जिस पर कमल चन्द ने 3-4 कागजों पर हस्ताक्षर किये। कमलचन्द ने स्वैच्छिक सेवानिवृत्ति हेतु आवेदन नहीं किया उसे

धोखे में रख कर लोन के कागजों पर हस्ताक्षर करना कह कर सेवा निवृत्ति के फार्म पर हस्ताक्षर कराये।

विपक्षी प्रतिनिधि द्वारा की गई जिरह में यह साक्षी चतरा बयान देता है कि चार कागजों पर दस्तावेज कलमबन्द जबरदस्ती करवाये गये थे यह सही है कि जबरदस्ती दस्तावेज कराने वाली बात मैंने अपने शपथ पत्र में नहीं की है। शपथ पत्र के पैरा सं. एक में किन-किन श्रमिकों से जबरदस्ती दस्तावेज कराये उनके नाम पते, संख्या व तारीख व माह मुझे याद नहीं है।

विपक्षी साक्षी आर. एस. नरूका ने अपने शपथ पत्र में यह अभिकथन किया है कि प्रार्थी कमलचन्द ने मेरे सामने 31-3-97 को स्वैच्छिक सेवा निवृत्ति प्रार्थना पत्र प्रस्तुत किया जिस पर ए से बी कमलचन्द के हस्ताक्षर हैं एवं अशोक कुमार बोल्या व शंकरलाल चौधरी की गवाह लगी हुई है। उक्त प्रार्थना पत्र प्रदर्श एन.ए.-1 है। उक्त प्रार्थना पत्र पर प्रदर्श एन.ए.-2 जारी किया व उसका प्रार्थना पत्र स्वीकार कर प्रदर्श एन.ए.-3 के जरिये 12-4-97 को स्वैच्छिक सेवा निवृत्ति स्वीकार कर ली गयी। प्रदर्श-6 एन.ए.-4 मेरे समक्ष प्रस्तुत किया जिस पर गणेश, कमलचन्द, नारायणलाल के हस्ताक्षर हैं जो प्रार्थना पत्र प्रस्तुत किया उस समय प्रार्थी पर कोई दबाव नहीं था।

प्रार्थी प्रतिनिधि द्वारा की गई जिरह में गवाह ने यह बयान दिया है कि यह सही है कि प्रार्थी का लोन प्रदर्श-1 से स्वीकृत हुआ था फिर कहा कि प्रदर्श-1 से फारवर्ड किया था। यह कहना गलत है कि प्रदर्श एन.ए.-1 पर प्रार्थी के दस्तावेज लोन के कागजों के साथ करवा लिये हो। यह गलत है कि प्रार्थी ने प्रदर्श-2 की आर एस विदवा करने का प्रार्थना पत्र हमें भेजा हो। यह भी गलत है कि प्रदर्श-3 प्रार्थना पत्र छुट्टी का प्रार्थी ने हमारे यहां पेश किया हो। प्रदर्श-4 व प्रदर्श-7 प्रार्थना पत्र हमने मिला या नहीं ध्यान नहीं।

विपक्षी साक्षी अशोक कुमार बोल्या व शंकरलाल चौधरी ने भी आर एस नरूको के बयानों की ताईद करते हुए शपथ पत्र में वे ही अभिकथन कहे हैं जो आर एस नरूका ने कहे हैं। जिरह में अशोक कुमार ने प्रदर्श एन.ए.-1 से एन.ए.-3 पर लोन लेने का प्रार्थी को बुला कर दस्तावेज कराये हो इस तथ्य को गलत बताया है।

प्रार्थी ने अपने प्रार्थना पत्र व शपथ पत्र में ये अभिकथन किये हैं कि 31-3-97 को प्रोजेक्ट ऑफिस के बाबू ने अनभिज्ञ रख कर स्वैच्छिक सेवा निवृत्ति के फार्म पर हस्ताक्षर करा लिये उस उक्त मेरी माता का देहान्त हो जाने से मेरा मानसिक संतुलन ठीक नहीं था। फिर कहना है कि ऋण के आवेदन के कागजों पर हस्ताक्षर कह कर भुलावे में रख कर मुझे स्वैच्छिक सेवा निवृत्ति के आवेदन पर 31-3-97 को हस्ताक्षर करवा लिये। जबकि विपक्षी साक्षी आर एस नरूका ने यह कहा है कि कमलचन्द ने 31-3-97 को मेरे सामने स्वैच्छिक सेवा निवृत्ति का फार्म प्रस्तुत किया था। अशोक कुमार बोल्या ने यह कहा कि 31-3-97 को स्वैच्छिक सेवा निवृत्ति प्रार्थना पत्र पर ए से बी हस्ताक्षर कमलचन्द के हैं व शंकरलाल चौधरी ने भी ये ही कथन कहे हैं तथा जिरह में इन तीनों ने यह बताया है कि यह गलत है कि प्रार्थी से धोखे में रख कर हस्ताक्षर कराये हैं।

प्रार्थी द्वारा जो स्वैच्छिक सेवा निवृत्ति का आवेदन प्रदर्श एन.ए.-1 पेश किया है उसमें यह स्पष्ट अंकित है कि मैंने बिना किसी दबाव एवं स्वैच्छया से पूर्ण होस्वास में लिखा है और प्रार्थी को दिनांक 12-4-99 से

सेवा निवृत्ति माना जावे। इस पर जिन गवाह अशोक बोल्या के हस्ताक्षर हैं वह विपक्षी साक्षी के रूप में पेश हुआ है जिसने स्पष्ट रूप से इस तथ्य से इन्कार किया है कि प्रार्थी से प्रार्थी को हमने लोन के लिये बुलाया हो और उससे प्रदर्श एन.ए.-1 से प्रदर्श एन.ए.-3 पर हस्ताक्षर कराये हो। प्रार्थी ने अपनी जिरह में यह भी बताया कि 31-3-97 को जबरदस्ती हस्ताक्षर कराये उसकी जानकारी हमें 1-4-97 को हो गई थी तथा यह भी कहता है कि विपक्षी संस्थान के खिलाफ मैंने कोई धोखाधड़ी की शिकायत नहीं की। इस प्रकार जब प्रार्थी के द्वारा 31-3-97 को किये गये दस्ताख के बारे में दिनांक 1-4-97 को उसे पता लग गया था तो उसने संस्थान के खिलाफ पुलिस या अन्य विभाग में कार्यवाही क्यों नहीं की साथ ही प्रार्थी ने यह कहा है कि उसकी माताजी का देहान्त होने से उसका मानसिक संतुलन ठीक नहीं था लेकिन उसकी माताजी की मृत्यु कब हुई इस बाबत कोई मृत्यु प्रमाणपत्र पेश नहीं किया है उससे प्रार्थी द्वारा किये गये कथनों पर विश्वास नहीं किया जा सकता है।

प्रार्थी ने अपने शपथ पत्र में यह भी अंकित किया है कि 21-4-97 को स्वैच्छिक सेवा निवृत्ति का आवेदन वापस लेने हेतु विपक्षी को पत्र भेजा जो प्रदर्श-2 है। व 13-5-97 को भी इस बाबत आवेदन भेजा जो प्रदर्श-5 है। प्रदर्श-2 प्रार्थनापत्र प्रार्थी द्वारा विपक्षी को भेजा जाना बताया है, इस बाबत पोस्टल की कोई रसीद वगैरा पेश नहीं की है तथा यह पत्र विपक्षी को प्राप्त हो गया हो इसकी कोई पावती रसीद भी पेश नहीं की है। इसके अलावा ये जो प्रार्थना पत्र प्रार्थी भेजना कहता है वह तो उसके द्वारा जो स्वैच्छिक सेवा निवृत्ति दिनांक 12-4-97 से चाही गई थी उसके बाद की तिथि के हैं। जबकि विपक्षी द्वारा प्रदर्श-2 आदेश 31-3-97 को जारी किया गया उसमें प्रार्थी कमलचन्द की सेवा निवृत्ति तिथि 12-4-97 अंकित है तथा उस आदेश की पालना में प्रदर्श एन.ए.-3 द्वारा प्रार्थी कमलचन्द को दिनांक 12-4-97 को अपरान्ह पश्चात् सेवा निवृत्त किया गया है तथा इस पर प्रार्थी कमलचन्द के हस्ताक्षर भी दिनांक 12-4-97 को किये हुए हैं। इस प्रकार प्रार्थी द्वारा जो 21-4-97 को प्रार्थनापत्र सेवा निवृत्ति निरस्त किये जाए बाबत प्रेषित किया जाना बताया है वह तो सेवा निवृत्ति होने के 9 दिन पश्चात् भेजा है तथा 13-5-97 को जो प्रार्थना पत्र भेजा है वह एक माह बाद भेजा गया है। दिनांक 12-4-97 को प्रार्थी को रिलीव किये जाने की पुष्टि प्रार्थी द्वारा अपने अधिवक्ता के मार्फत से जो नोटिस 21-6-99 को विपक्षी को भिजवाया है उससे भी होती है जिसमें स्पष्ट रूप से यह अंकित है कि उसकी स्वैच्छिक सेवा निवृत्ति का फार्म स्वीकृत किया जाकर उसे दिनांक 12-4-97 को रिलीव कर दिया गया है।" व इस नोटिस में आगे यह लिखा कि सेवा निवृत्ति स्वीकृत करने का कोई पत्र प्राप्त नहीं हुआ जबकि दिनांक 12-4-97 को प्रार्थी को रिलीव किये जाने के पत्र पर प्रार्थी के हस्ताक्षर हैं तथा उस पर प्रार्थी ने दिनांक 12-4-97 अंकित की है। इस प्रकार प्रार्थी द्वारा जो प्रार्थना पत्र प्रेषित किये गये हैं वे उसे 12-4-97 को रिलीव किये जाने के बाद/सेवा निवृत्त किये जाने के बाद विपक्षी को भेजे हैं जो कोई महत्व नहीं रखते हैं।

प्रार्थी ने अपने कलेम प्रार्थनापत्र व शपथपत्र में प्रार्थी 13-4-97 से ही अवकाश पर था एवं इस हेतु विपक्षी को प्रार्थनापत्र दे रखा था, जबकि आगे यह कहता है कि स्वैच्छिक सेवा निवृत्ति के प्रार्थनापत्र पर हस्ताक्षर करवाये उसके बाद जबरन अवकाश पर भेज दिया तथा दिनांक 12-4-97 तक अवकाश पर था जबकि वह 31-3-97 को सेवानिवृत्ति

के फार्म पर हस्ताक्षर करने के बाद अवकाश पर था या उसे जबरदस्ती अवकाश पर भेजा इस बाबत कोई दस्तावेज नहीं है न ही उसने इस बाबत कोई शिकायत की है कि उसे जबरदस्ती अवकाश पर भेजा। प्रार्थी द्वारा जो दिनांक 13-4-97 को अवकाश हेतु प्रार्थनापत्र भेजना बताया है वह प्रदर्श-3 बताया है उस पर कोई तारीख अंकित नहीं है विपक्ष में यह अवश्य अंकित है कि मेरी एमएल छुट्टी दिनांक 12-4-97 को निल हो गई व 13-4-97 से लम्बे समय तक पी.एल. में रहने की स्वीकृति चाही है जिसके जवाब में विपक्षी ने अपने पत्र दिनांक 19-5-97 द्वारा यह लिखा है कि आपको स्वैच्छिक सेवा निवृत्ति के तहत दिनांक 12-4-97 को रिलीव कर दिया है व विपक्षी द्वारा प्रार्थी के 13-5-97 के पत्र के जबाब में यह लिखा है कि आपकी स्वैच्छिक सेवा निवृत्ति हो चुकी है इसलिये अब आपको पुनः सेवा में नहीं लिया जा सकता है। इन सबसे यही तात्पर्य है कि प्रार्थी को उसके प्रार्थनापत्र दिनांक 31-3-97 से उसके द्वारा दी गई तिथि दिनांक 12-4-96 को विपक्षी द्वारा अपने आदेश दिनांक 31-3-97 के क्रम में उसे 12-4-97 को कार्यमुक्त/सेवामुक्त कर दिया गया उसके बाद में प्रार्थी द्वारा जो आवेदन पत्र 21-4-97 को व 13-5-97 को प्रेषित किया गया है वह पश्चात्पूर्ति विचार के तहत है प्रार्थी द्वारा जो अवकाश के बाबत कथन कहे गये हैं कि उसे 31-3-97 के बाद अवकाश में भेज दिया, जबकि कहीं कहता है कि प्रार्थी 13-4-97 से ही अवकाश पर था एवं इस हेतु उसने विपक्षी को, प्रार्थनापत्र दिया। इस प्रकार प्रार्थी के कथनों पर कतई विश्वास नहीं किया जा सकता है तथा प्रार्थी को सेवामुक्त किये जाने के बाद किया गया पत्राचार कोई महत्व नहीं रखता है, अतः विपक्षी द्वारा प्रार्थी को दिनांक 12-4-97 को सेवामुक्त किया जाना उचित एवं वैध है। अतः प्रार्थी कोई राहत एवं राशि प्राप्त करने का अधिकारी नहीं है।

अतः भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित प्रसंग को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है कि श्रमिक श्री कमलचन्द पिता लखाजी डांगी पूर्व ब्लास्टर हेल्पर को विपक्षी संस्थान आर.एस.एम.डी. जयपुर द्वारा स्वैच्छिक सेवा निवृत्ति योजना के तहत 12-4-97 को सेवानिवृत्त किया जाना उचित एवं वैध है। अतः प्रार्थी श्रमिक कोई राहत एवं राशि प्राप्त करने का अधिकारी नहीं है।

पंचाट प्रकाशनार्थ भारत सरकार को भेजा जावे।

उपा अग्रवाल, पीठासीन अधिकारी

नई दिल्ली, 8 मार्च, 2006

का. आ. 1371.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोचीन रिफायनरी लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण इरनाकुलम के पंचाट (संदर्भ संख्या 14/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-2006 को प्राप्त हुआ था।

[सं. एल-30011/33/2005-आईआर (विविध)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1371. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. 14/05) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the management of Kochi Refineries Ltd., Ambalamughal and their workmen, received by the Central Government on 8-3-2006.

[No. L-30011/33/2005-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P.L. Norbert,
B.A., LL.B., Presiding Officer

(Friday the 23rd days of February, 2006/
4th Phalgunam 1927)

I.D. 14 of 2005

Union: The General Secretary,
Cochin Refineries Employees
Association,
Cochin Refineries Ltd.,
Ambalamughal-682302.

By Advocate Shri T.G. Sunil &
Shri T.G. Mahesh

Management: The Dy. General Manager
(HRD & IR),
Cochin Refineries Ltd.,
Ambalamughal-682302.

AWARD

This is a reference made by Central Government under Section 10 (1) (d) and (2A) of Industrial Disputes Act, 1947 to this court for adjudication. The dispute referred is:—

“Whether the action of the management of Cochin Refinery Ltd. in promoting a few workmen to grade IV with same designation of Typist/Clerk Trainee even without notifying the vacancy as per the requirement of promotion policy settlement is right? If not what is the relief to the eligible workers?”

2. On Notice, the Union entered appearance. Management remained absent. Notice was against sent to management under certificate of posting. Still they remained absent continuously. The Union filed claim statement raising the following contentions.

3. On 31-7-1973, the management and the Union of Cochin Refinery Ltd. had signed a memorandum of settlement whereby classification of jobs and grades of workmen were determined and settled. Violating the terms of settlement a few workmen in Grade II and III were promoted to the post of Typist/Clerk Trainee by the management. There is no grade as Typist/Clerk Trainee in the settlement deed of 31-7-1973. Though the Union raised a dispute before the management, nothing was done by the management. The dispute was brought before the forum of Regional Labour Commissioner. But there was no solution in the conciliation. Whenever a vacancy arises it has to be notified on the Notice Board. A notification usually contains details of number of vacancies,

qualification required, etc. The period of notice is one week for submitting applications. Applications will be processed evaluating the eligibility, qualification, experience, etc. of the candidates. But the management in the instant case favoured some persons of their choice for promoting them. The vacancy was not notified. The action of the management amounts to unfair labour practice and violation of the terms of settlement. Five persons were thus promoted to the post of Typist/Clerk Trainee arbitrarily and illegally. Therefore, the Union prays to direct the management to cancel the promotion and proceed afresh with the process of promotion in terms of memorandum of settlement.

4. The management has neither filed written statement nor produced documents. There is none to represent them also.

5. The documents produced by the Union are marked as Exts. W1 to W6 and Affidavit filed by Union General Secretary in lieu of examination is marked as Ext. WW1. The points for consideration are:—

- (1) Where the promotion of some of the workers to the post of Typist/Clerk Trainee is in accordance with the memorandum of settlement?
- (2) To what relief the Union is entitled?

6. Point No. 1:

Five workers of Cochin Refineries Ltd., Ambalamughal in Grade II and III were promoted to the post of Typist Clerk Trainee. The Union is aggrieved by the action of the management in promoting these five employees. According to the Union, the promotion was made without following the Memorandum of Settlement signed by the management and the union on 31-7-1973. There is no category of Typist/Clerk Trainee as per the Memorandum of Settlement. The vacancies were not notified as per the procedure provided in the Memorandum of Settlement. Thus the management has violated the terms of settlement thereby denying equal opportunity to many other employees for promotion.

7. The persons alleged to be promoted are (1) Mr. C.S. Anilkumar-Badge No. 3311, (2) Mr. V.C. Shibu-Badge No. 3365, (3) Mr. V.J. Justine-Badge No. 3278, (4) Mr. M.T. Manoj-Badge No. 3983 and (5) Mr. Mohanmed Nizar-Badge No. 4085. Three of them belong to Grade III and two, to Grade II. Ext. W1 is the Memorandum of Settlement signed by the management and the Union. As per the Promotion Policy Settlement the jobs were classified and the grades and channels of promotion were determined. Annexure 'A' to Memorandum of Settlement contains the promotion policy. It mentions the eligibility of promotion, the basis for promotion, the guidelines and procedure for promotion. As per Annexure 'A' a promotion committee has to evaluate the work and conduct of the candidates for promotion. An yearly appraisal of employees has to be made by the company and the same has to be taken into consideration while promoting the candidates. A committee consisting of 3 members assesses the merit of the candidates for promotion. Whenever any vacancy arises in any position covered by the settlement, the Head of the Department will inform the Personnel Department who will notify the vacancies by publishing in the Notice

Board of the Company. The notification will contain necessary details regarding number of vacancies, qualification requirements, etc. The Personnel Department will make a preliminary screening of the applications. Thereafter, the Promotion Committee will further screen and assess the eligibility and merits of the applications for promotion or appointment. Annexure 'B' to Ext. W1 contains the channels of promotion from the last grade to the highest grade. Annexure 'C' to Ext. W1 contains the qualification requirements for various posts. Annexure 'D' contains the strength of the employees of the company other than officers. Ext. W5 is a statement of the management submitted to the Asstt. Labour Commissioner (Central), Kakkanad where conciliation regarding the industrial dispute was conducted. The management has stated in para 6 that since there was no recruitment in the administrative side for a long time some of the workmen who possessed additional qualifications suitable for clerical jobs were transferred to the administrative side as Typist/Clerk Trainee in their same grade. Ext. W6 is a statement of the Union submitted to the Asstt. Labour Commissioner (Central), Kakkanad stating that the designation of Typist/Clerk Trainee is a post created by the management unilaterally under grade IV and there is no such post as per the Memorandum of Settlement. It was created to favour some of the workmen of their choice. By doing so the management has denied equal opportunity to other eligible candidates of the feeder categories to the post of Typist/Clerk.

8. Annexure 'B' to Ext. W1 Memorandum of Settlement does not show a category like Typist/Clerk Trainee. The available post in Annexure 'B' is Typist/Clerk IBM P-V Operator (Grade IV). It is mentioned in Ext. W5 by the management that five workmen were transferred to the post of Typist/Clerk Trainee. If at all these 5 workmen were transferred and not promoted, even then transfer that is permitted in the Memorandum of Settlement (page 3) under the head 'lateral transfers' is transfers to other sections of the same grade and not higher grade, which amounts to promotion. In the instant case, 5 workmen who were in grade II & III were actually promoted to Grade IV whatever be the description of the post (Typist/Clerk Trainee). There is no category as Typist/Clerk Trainee as per Annexure 'B' and the management was not fair in effecting such promotion. That apart, the vacancies has to be notified in the Notice Board of the company specifying the number of vacancies, qualification requirements, experience, etc. A period of one week has to be given to the employees to respond to the notice. Then only the process of appointment or promotion can be commenced. This procedure is also flouted by the management. Enough safeguards are provided in the Memorandum of Settlement for screening ineligible and inefficient workers from getting promoted. There are no records produced by the management to show that there is any change in the terms of settlement. Thus, going by Ext. W1 Memorandum of Settlement it has to be concluded that the management has violated the terms of settlement and therefore they have to undo the wrong done to other eligible candidates in the feeder category who were denied an opportunity for promotion, by cancelling the promotion/transfer given to the aforementioned workmen as Typist/Clerk Trainee and initiating fresh process for promotion. Point is answered accordingly.

Point No. 2 : (See Award portion)

9. In the result, an award is passed directing the management to cancel the promotion/transfer of the employees to the post of Typist/Clerk Trainee and to conduct the process of promotion to the categories mentioned in Annexure 'B' of Memorandum of Settlement in accordance with the procedure prescribed in the Memorandum of Settlement.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 23rd day of February, 2006.

P. L. NORBERT, Presiding Officer
Appendix:

Witness for Union :

WW1—Shri Surendran Nair (By Proof Affidavit)—
dated 22-2-2006

Witness for Management : Nil

Documents for the Union :

Ext. W1—Photostat copy of Memorandum of Promotion Policy Settlement dated 31-7-1973.

Ext. W2—Photostat copy of representation submitted by the Union to RLC(C) dated 21-12-2004.

Ext. W3—Photostat copy of statement submitted by the management to ALC(C) dated 7-2-2005.

Ext. W4—Photocopy of statement submitted by Union to ALC(C) dated 11-2-2005.

Ext. W5—Photocopy of statement filed by the management before ALC(C) dated 31-3-2005.

Ext. W6—Photocopy of statement filed by the Union before ALC(C) dated 5-4-2005.

Documents for Management : Nil.

नई दिल्ली, 8 मार्च, 2006

का. आ. 1372.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कार्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 43/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-06 को प्राप्त हुआ था।

[सं. एल-30012/45/2004-आई आर (विविध)]

बी० एम० डेविड, अव्वर सचिव

New Delhi, the 8th March, 2006

S.O. 1372.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the management of Hindustan Petroleum Corporation Ltd. (LPG Plant) and their workmen, received by the Central Government on 8-03-2006.

[No. L-30012/45/2004-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JAIPUR.

Case No. CGIT-43/2005

Reference No. L-30012/45/2004-IR(M)

Sh. Khumaram,
 S/o Sh. Ramchandra,
 R/o Narsingh Colony, Behind Railway Station,
 JodhpurApplicant

Versus

The Regional Manager,
 Hindustan Petroleum Corporation Ltd. (LPG Plant),
 Gadheri-Dilwara,
 Via-Nasirabad,
 Ajmer. Non-applicant

PRESENT:

Presiding Officer : Sh. R.C. Sharma
For the applicant : Sh. Pyarelal & Sh. Karmveer
For the non-applicant : Sh. DN Sharma
Date of award : 31-1-2006

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1&2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :—

"Whether the action of the management of Hindustan Petroleum Corporation Ltd. (LPG Plant), Gadheri-Dilwara, in imposing the punishment of dismissal *vide* order dated 10-11-2003 on Sh. Khuma Ram is legal and justified? If not, to what relief the concerned workman is entitled to and from which date?"

2. The workman has pleaded in his claim statement that he was working regularly and sincerely as an operator, LPG in LPG Plant, Jodhpur under the non-applicant company who was chargesheeted on 25-3-2002 by the GM, LPG, SBU under Standing Order No.31 (5) for "habitual negligence or neglect of work" and 31 (7) for "habitual absence without leave of absence without leave for more than 21 consecutive days". He has further stated that he was alleged to have remained on unauthorized absence from 22 days from May, 2000 to December, 2000 for 187 days during the year 2001 and for 13 days in January and February, 2002. He submitted the detailed explanation alongwith his medical certificates, which was considered to be unsatisfactory. Challenging the conclusion of the guilt drawn against him, the workman has alleged that the findings of the Enquiry Officer are perverse being without any evidence and the minor discrepancies were not enough evidence to hold him guilty of misconduct. He also preferred an appeal against the punishment order dated 10-11-2003 before the appellate authority, but the same was dismissed without considering the grounds raised by him. He, therefore, raised an industrial dispute before the

Labour Commissioner (Central), but the settlement could not be arrived at. The claimant has alleged that the disciplinary authority has also conducted the illegality in passing the order of dismissal as the findings of the Enquiry Officer are perverse and the Enquiry Officer has acceded his jurisdiction. He has also assailed that the appellate authority has failed to consider the grounds raised by the workman in his appeal particularly the perverse findings of the Enquiry Officer and his long and outstanding service for about 17 years and severity of the punishment order.

3. Resisting the claim, the non-applicant in his written-counter has averred that the workman was legally dismissed for the proved misconduct in the departmental enquiry held against him, that the claimant never applied for leave in time and remained on unauthorized absence, who intentionally did not follow the rules of the company for leave and was charge sheeted only when he had not shown any improvement in his habits of remaining absent without leave. He has further stated that the findings of the Enquiry Officer are based on evidence, that the medical certificate dated 4-1-2002 filed by the workman seemed to be false since on the same day he was found fit by the doctor to resume his duties, that the appeal was filed by the workman without good and sufficient grounds which was legally dismissed by the appellate authority and the workman even remained absent during the pendency of the enquiry proceedings for 148 days, which shows that he was not sincere towards his duties or job. While defending the impugned punishment order, the non-applicant has stated that the punishment awarded to the workman is justified and is based on the evidence and material available on the record and the workman is not entitled for any relief.

4. After hearing both the parties on the preliminary issue of the fairness of the domestic enquiry, this Court *vide* its order dated 8-11-2005 has found the enquiry to be fair and proper.

5. I have heard both the parties and have scanned the enquiry record.

6. The Id. representative for the workman while assailing the punishment order dated 10-11-2003 contends that the delinquent was a LPG Operator in the Corporation who was chargesheeted on 25-3-2002 under the Standing Orders 31(5) and 31(7). So far as the charge of habitual absence is concerned, the Id. representative has submitted that the delinquent remained only 22 days absent in the year 2000 and to bring out the charge under Clause 31(7), he should be absent for more than 21 consecutive days. In the year 2002, there was no such occasion where he remained absent continuously for 21 days. In the year 2001, it is shown that he was absent for nearly 3 months, more than 21 days. The Id. representative further contends that in the month of October, 2001, he remained absent for 23 days and in any event he was not absent for more than 21 consecutive days. Only in the month of November, 2001 it is more than 21 days of his absence

which falls under Clause 31(7). Thus, as per the submission of the Id. representative the workman was never absent for more than 21 days continuously and, therefore, the misconduct under Clause 31(7) is not made out.

7. Controverting the charge levelled under Clause 31(5) of the Standing Orders against the workman, the Id. representative has stated that there is no allegation in the chargesheet as to on which date the workman neglected the work. He has emphasized that the work can only be neglected when the workman is on duty and in such a case he can be chargesheeted for this act. But if he was absent then it does not amount to neglect of work. The another point raised by the Id. representative is that the workman has offered the best explanation of his absence in his reply, who could not attend the duties on account of his illness and his medical claim was reimbursed. Then the Id. representative assailing the findings of the Enquiry Officer has contended that findings recorded by the Enquiry Officer are totally perverse and that there was no material before the Enquiry Officer to reach at this conclusion. The delinquent had filed the leave application subsequently and if an employee files the leave application subsequent to his appearance, it ought to have been considered by the concerned authority. The workman had suddenly fell ill and on this count he could not attend his duties. It has also been alleged that the Enquiry Officer has considered the conduct of delinquent even after the issuance of the chargesheet by stating that he remained absent during the course of enquiry and thereby has exceeded his jurisdiction. The Id. representative has insisted upon that under Section 11(A), this court can evaluate the evidence meticulously as to whether the charges have been proved or not. Lastly, the Id. representative submits that the delinquent has 17 years of unblemished service record and prior to it, no chargesheet was issued to him. Adding to it, the Id. representative contends that the allegations are not so serious which have lowered down the estimation of the non-applicant Corporation and taking away the job after 17 years is very severe and shocking to the judicial conscience and a suitable punishment can be substituted in place of the dismissal from service.

8. Per contra, the Id. representative for the Corporation emphasizes on the habitual absence of workman and contends that the absence of the delinquent during the enquiry proceedings comes as a part of enquiry and it is also a misconduct in view of the relevant Clause. His further submission is that the continuous absence automatically amounts to neglect of work and no leave was sanctioned to the workman during the period in question. His submission is that it is a case of employee's absenteeism which is a grave misconduct and no lesser punishment should be substituted in place of the dismissal from service.

9. I have bestowed my thoughtful consideration to the rival contentions and have carefully gone through the judicial pronouncements referred to before me by both the Id. representatives.

10. The Standing Orders No. 31 of the Standing Orders for Marketing, Establishments deals with the misconduct. The misconducts as defined at 31(5) and 31(7) are reproduced as below for convenience sake.

"31. MISCONDUCT :

The following acts and/or omissions on the part of the workman shall amount to misconduct :—

31(5). Habitual negligence or neglect of work.

31(7). Habitual absence without leave or absence without leave for more than 21 consecutive days or overstaying the sanctioned leave without sufficient grounds or proper and satisfactory explanation."

11. The Standing Order No. 32 prescribes the punishment for the misconducts enshrined in the Standing Order No. 31 and Clause G envisages the punishment of dismissal from the service for such misconducts.

12. The chargesheet dated 25-3-2002 contains the table of workman's absence period which is displayed as below :—

Year 2000	No. of days on unauthorised absence	Dates of unauthorised absence
May	3	29th to 31st
June	2	1st to 2nd
September	5	1st, 6th, 12th, 15th & 20th
October	7	3rd, 5th, 9th, 10th, 13th, 20th & 28th
November	1	30th
December	4	18th, 19th, 22nd & 23rd
Total	22	

Year 2001	No. of days on unauthorised absence	Dates of unauthorised absence
January	5	2nd, 11th, 25th, 29th & 31st
June	1	23rd
August	15	3rd, 9th, 10th, 13th to 23rd & 27th
September	8	3rd, 4th, 10th to 13th, 19th & 24th
October	23	8th to 24th, 26th to 31st
November	30	1st to 30th
December	25	1st to 5th, 10th, 13th to 31st
Total	107	

Year 2002	No. of days on unauthorised absence	Dates of unauthorised absence
January	9	1st to 9th
February	4	4th, 5th, 11th & 28th
Total	13	

13. Evidently, in the month of November, 2001 the workman was absent for more than 21 consecutive days without leave which falls within the purview of Standing Order 31(7). It has been contended on behalf of the workman that during the alleged period of absence, the workman on account of his sickness could not report for duty. In his reply dated 16-5-2002, the workman has stated that on account of his sickness he could not attend the office and he also submitted the medical certificates along with the reply. The medical certificates dated 29-10-2001 and 19-11-2001 are relevant for consideration on this point. The medical certificate 29-10-2001 says that the delinquent is suffering from disease (which is illegible) and is required rest from 29-10-2001 to 18-11-2001. The another certificate dated 19-11-2001 pertaining to the period in question says that the delinquent is suffering from hypothyroid and requires a rest of 17 days from 19-11-2001 to 5-12-2001. The Enquiry Officer in his report dated 5-5-2003 has disbelieved the medical certificates produced by the delinquent before him on the grounds that the medical certificate dated 29-10-2001 does not bear any serial number whereas the medical certificate dated 19-11-2001 contains a serial number. He has also found doubtful the other medical certificates and has cited that a certificate states that the delinquent is medically fit and can resume his duties w.e.f. 4-1-2002, whereas another medical certificate submitted by the delinquent advises him rest from 4-1-2002 to 8-1-2002. Thus, on overall assessments of the medical certificates relied upon by the delinquent, the Enquiry Officer has noted them to be doubtful.

14. The Id. representative for the workman has placed his reliance on 1998 Lab IC Punjab & Haryana 2827 by contending that the Presiding Officer is duty bound to examine the materials and findings recorded by the Enquiry Officer and record his own findings on charges levelled against him. Even applying this principle, there is nothing to interfere with the findings of the Enquiry officer when he says that the medical certificate dated 29-10-2001 does not bear any serial number which creates a doubt towards its genuineness. Along with it, he has also assigned the reasons for disbelieving the other medical certificates relied upon by the delinquent. Add to it, the medical certificate dated 29-10-2001 indicates the disease with which the delinquent was suffering in the said period, which is entirely different from the disease 'hypothyroid' as shown in the medical certificates dated 19-11-2001. Both these medical certificate deal with the continuous period commencing from 29-10-2001 and ending on 5-12-2001. Thus surprisingly, from 29-10-2001 to 18-11-2001 the delinquent was at first suffering with a disease which was entirely distinguished from the 'hypothyroid', which he suffered on the subsequent period from 19-11-2001 to 5-12-2001 in continuity of the previous period w.e.f. 29-10-2001 to

18-11-2001. It fuels a reasonable doubt towards its veracity of both these medical certificates placed by the delinquent.

15. The Id. representative for the delinquent has also endeavoured to impeach the finding of the Enquiry Officer on the count that the absence of the delinquent during the enquiry proceedings has also been considered by the Enquiry Officer and he has exceeded his jurisdiction. It is difficult to be persuaded by this submission, since the workman was chargesheeted for his unauthorized absence from duty and the Enquiry Officer can indeed observe his conduct during the enquiry proceedings which are quasi-judicial proceedings. As such, the findings recorded by the Enquiry Officer cannot be termed as perverse.

16. The Id. representative for the workman has also drawn a distinction between both the charges levelled against him and has asserted that the neglect of work, as defined under Standing Order 31 (5) is wholly distinguishable from the habitual absence without leave narrated under Clause 31 (7). But I find force in the submission of the Id. representative for the Corporation when he contends that the habitual absence without leave automatically amounts to neglect of work. Significantly, Clause 31 (5) deals with the habitual negligence or neglect of work, which may even result from the habitual unauthorized absence of the charge-sheeted employee. As such, once the habitual absenteeism of the employee is conclusively proved then it leads to an inference that his absence occasioned the neglect of work too. Accordingly, there is no force in the plea set forth on behalf of the workman and it is repelled.

17. The Enquiry Officer has recorded the findings which could have been arrived at by a reasonable person and no adverse fact has surfaced on the record which would warrant interference with his findings.

18. Now, I advert to the determination of the quantum of punishment. The Id. representative for the workman has contended that considering to the lengthy service of 17 years of the workman, who has an unblemished service record, the lesser punishment should be substituted. The Id. representative for the Corporation has sought to refute the contention by submitting that the workman was repeatedly advised to be regular in his duties, but he had not cared it and looking to the gravity of his misconduct, he deserves the punishment of dismissal from the service.

19. The Id. representative for the workman in support of his submission has referred to the decision AIR 1984 SC 321, wherein the Hon'ble Apex Court has propounded that on evaluation of the severity of misconduct the Labour Court can reduce the punishment. The other decisions relied upon by the Id. representative for imposing the lesser punishment are AIR 1984 SC 355 and 1987 (1) UJ SC 261, which are easily distinguishable on facts from the present controversy and their facts are not applicable to the present dispute.

20. Applying to the principle laid down by the Hon'ble Apex Court in AIR 1984 SC 321, it can be noted that the workman had remained unauthorisedly absent from duty on various occasion as exhibited in the chargesheet dated 25-3-2002 and his case has been clearly attracted by

the Standing Orders 31(5) and 31(7). His unauthorized absence has occasioned the loss to the departmental functioning too and looking to the severity of the misconduct, the workman does not deserve an lenient attitude in awarding the punishment to him. The Id. representative for the Corporation has invited my attention towards the various decisions in support of his submission on this point. In 2005 LLR Delhi 172, the Hon'ble Court has observed that mere submission of leave application or a medical certificate is of no consequence unless the leave is duly approved by the department. In 1999 (2) CLR Madras 71, the Hon'ble Court has laid down that the length of service is not relevant in imposition of the punishment. On the absence of duty, the other authorities cited by the Id. representative are 2004 (3) CLR SC 289; 1997 (2) LLN SC 1007; 1998 (1) LLN Madras 710; 2001 (90) FLR 251 and 2001 (88) FLR Raj. 232 in all these decisions, the unauthorized absence from duty was considered to be an irresponsible conduct in extreme and the punishment of dismissal was affirmed by the Hon'ble Courts. In 2004 (3) CLR SC 289, the Hon'ble Apex Court has observed that when an employee absents himself from duty, even without sanctioned leave, it prima facie shows a lack of interest on the part of his work. The facts of these cases are squarely applicable to the controversy at hand and they fortify the contention canvassed on behalf of the Corporation. The impugned punishment imposed by the Corporation on the delinquent is commensurate with the gravity of proven misconduct against him and it cannot be termed as disproportionately heavy in relation to his misconduct. As such, the interference in the impugned punishment is unwarranted.

21. For the foregoing reasons, the claim of the workman is liable to be rejected.

22. In the premises, the reference is answered in the negative against the workman and in favour of the non-applicant Corporation and it is held that the imposition of the punishment of dismissal vide order dated 10-11-2003 on the workman Sh. Khuma Ram is legal and justified. The claim of the workman is rejected. An award is passed in these terms accordingly.

23. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C SHARMA, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1373.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ओ.एन.जी.सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 120/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-06 को प्राप्त हुआ था।

[सं. एल-30025/3/2006-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1373.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award of the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (filed under Section 33-A in the matter of ref. No. 120/99) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s ONGC Ltd. and their workmen, which was received by the Central Government on 8-3-2006.

[No. L-30025/3/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT

SHRI B.L. KAZI, B.Sc. L.L.M. Presiding Officer

Com C.G.I.T.A. No. 102/04 In Reference No. C.G.I.T.A.
No. 201/04 (Old Com No. 56/03 in Reference (I.T.C.) No.
120/99)

Ashok Kumar

C/o ONGC Electrical & Allied Staff Association

19, Pushpkunj Society, Near Sahkar Nagar,

Mahesana-384002.

...Complainant

V/s.

The Director (personnel/HR)

ONGC Ltd. Telbhavan,

Dehrandun-248003.

...Opponent

APPEARANCES

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint Under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R. & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the Reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a Old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R.&P. rules without the consent of Electrical & Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R.&P. rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is, also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-05-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion

policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R.&P rules for electrical category workman without the consent of Electrical & Allied Staff Association and not to change the service condition till Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 the opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension-assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change any rule. It is denied that there will be change of any service conditions of the complainant. The management calls recognized unions and ASTD for the discussion for changing the R.&P. regulations and the union is not recognized union their union has not a legal right to say anything about R.&P. The complainant has not produced any proof of contravention of Section 33 of the I.D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a pursuit by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this pursuits Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R.&P. policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become in fructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6, the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

B. L. KAZI, Presiding Officer

Date: 22/08/05

Ahmedabad.

नई दिल्ली, 8 मार्च, 2006

का. आ. 1374.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में,

सुधीर ट्रांसपोर्ट लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 5/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-06 को प्राप्त हुआ था।

[सं. एल-26011/2/2003-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1374.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 05/03) of the Central Government Industrial Tribunal-cum-Labour Court, AHMEDABAD(GUJARAT) as shown in the Annexure in the Industrial Dispute between the management of M/s Sudhir Transport Ltd., Handling Agents Steel Authority of India, Vishweshwaraiah Iron & and their workmen, received by the Central Government on 08/03/2006.

[No. L-26011/2/2003-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

DATED : 6th February, 2006

PRESENT: Shri A R Siddiqui, Presiding Officer

C.R. No. 39/2003

I Party :

Sh. M Selvarajan,
President, VISL Mines
Employees Union, Gouse
Sub Line, Old Town,
Bhadravati,
SHIMOGA.

II Party

1. The Executive Director,
SAIL, VIS Plant,
Bhadravati,
SHIMOGA-577301.
2. The Director,
M/s. Sudhir Transports
Ltd., Handling Agents.
Regd. Off. NO. 86, Old
Madras Road,
Dooravaninagar,
BANGALORE-56(X)16.

APPEARANCES

I Party

: Shri M Selvarajan,
President

II Party

: 1. Sh. A Pinto
Advocate
2. Sh. MLN Roddy
Advocate

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L.26011/2/2003 - IR (M) dated 17-06-2003 for adjudication on the following schedule:

SCHEDULE

“Whether the management of Sudhir Transport Limited is justified in terminating the services of 130 workers without complying with Sec 25 F of the Industrial Disputes Act, 1947, on issue of Notification of SO 707 dated 17/03/1993? If not to what relief the workmen are entitled to?”

2. When the matter came up for hearing on 03-02-2006, the President of the I party Union filed a memo along with the copy of the order in WP No. 54179 of 2003 (L-RES) dated 15-12-2005 to show that the reference on hand which was challenged before the High Court in the said Writ Petition by the I party Union has been set aside and the Union of India represented by its Secretary, Ministry of Labour, Delhi (Respondent 1 in the Writ Petition) is directed to reconsider the matter and pass the order afresh regarding the reference in the light of the observations made in the Order.

3. Similarly, counsel representing the II party No. 2 namely the Director, Sudhir Transports Limited, representing by its Managing Director also filed a memo along with the copy of the aforesaid order and both the counsels for the parties submitted that proceedings on hand may be closed as the reference made to this Tribunal does not exist in the light of the abovesaid order of the High Court.

4. The operative portion of the above said order reads as under:

“Writ Petition is allowed. The impugned order dated 17-6-2003 vide Annexure-E is set aside : The Respondent No. 1 is directed to reconsider the matter and pass the order afresh regarding the reference in the light of the observations made above and after examining the controversy raised before it. The respondent shall pass the order within three months from the date of receipt of a copy of this order. No costs.”

5. Therefore, in the light of the above the reference on hand survives no more and accordingly it is to be rejected. Hence the following order.

ORDER

Reference stands rejected.

(Dictated to L.D.C. transcribed by him. Corrected and signed by me on 6th February, 2006)

A R SIDDQUI, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1375.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स. औ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 27/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-06 को प्राप्त हुआ था।

[सं. एल-30011/13/1999-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1375.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/99) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of The Executive Director, O.N.G.C. Ltd. The President, M/s Uday Towers, M/s. Sanand Towers. The President, M/s Vasudha Towers, and their workmen, received by the Central Government on 08-03-2006

[No. L-30011/13/1999-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT AHMEDABAD**

PRESENT:

Shri B.I. Kazi (B.SC., L.L.M), Presiding Officer
Industrial Dispute (Reference C.G.I.T.A.) No. 686/04.

OLD (L.T.C) No. 27/1999

1. The Executive Director,
ONGCL W.R.B.C.
Makarpura, Baroda-390009.
2. M/s. Sanand Towers,
207, 2nd Floor,
ONGC Colony, Beside Central Workshop. ONGC Ltd.
Makarpura, Boroda.
3. The President,
M/s. Vasudha Towers, 501,
5th Floor ONGC Colony Beside Central Workshop.
ONGC Ltd, Makarpura Road,
Baroda-390009
4. The President
M/s. Uday Towers 605, 6th Floor ONGC Colony.
ONGC Ltd, Makarpura Road, Baroda 390009

.....First Party

I/s.

The Legal Secretary,
Bharatiya Karmchari Sangh. Pole,
Kothi Char Rasta
Baroda-390001

.....Second Party

Appearance

First Party : (Absent)

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L- 30011/13/1999 IR (Misc.) dated 07-09-1999 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

1. "Whether the contract between the management of ONGC Ltd., Baroda and contractors M/s. Sanand Towers, M/s. Vasudha Towers & M/s. Uday Towers in respect of Shri Chhatransingh Neghibava Matroja, Shri Nilesh Natvarlal Purhoit, Shri Ramchandra Bjiroa Sinde and Shri Jagdishbhai Hirabhai Patel is sham and Bogus contract entered into as a camouflage to avoid the provisions of contract Labour (Regulation and Abolition) Act, 1970?"

2. "Whether the demand of the union in respect of 6 contractual workmen mentioned hereinabove engaged through various contractors and the non-registered Association of persons in the establishment of ONGC Ltd, for treating these contract workmen as 'direct and regular employees of ONGC Ltd., from the date of their joining either with ONGC Ltd., or any of the labour contractor/ non-registered Association of persons is legal proper and justified? If so, to what relief these 5 contractual workmen are entitled to and from which date and what other directions are necessary in the matter?"

3. "Whether the demand of the union in respect of the above mentioned 6 contractual workmen mentioned hereinabove for making the payment of arrears of wages DAVDA, HRA and other fringe benefits at par with the regular employees of ONGC Ltd., as per their categories and to make the payment of amount of overtime to these contract workmen for the extra work performed by them is legal and justified? If so, to what relief these contract workmen are entitled and from which date?"

4. The second party was issued a notice to file the statement of claim by this Tribunal on by 28-10-99. The date to file the statement of claim was 15-11-99. The appropriate Government has also directed the second party who raised the dispute to file a statement of claim with relevant documents and list of reliance and witness to the Tribunal within 15 days of the receipt of the receipt of the order

5. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 5½ years from the date to reference. Thus this Tribunal has reason to believe that the second party is not interested in dispute. Thus the second party has failed to prove justness of demand.

Looking to the above observation I hereby pass the following order :

ORDER

The reference is hereby rejected for want of non prosecution of the second party union. The second party is not entitled to any relief as claimed in the terms of reference. The reference is hereby disposed of. No order as to cost.

B.I. KAZI, Presiding Officer

Date: 22-08-2005
Ahmedabad.

नई दिल्ली, 8 मार्च, 2006

का. आ. 1376.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 41/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-2006 को प्राप्त हुआ था।

[सं० एल-17012/1/2001-आई आर (बी-1)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1376.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 41/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. LIC of India and their workman, which was received by the Central Government on 8-3-2006.

[No. L-17012/1/2001-IR(B-1)]

B.M. DAVID, Under secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT OF
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT AHMEDABAD**

PRESENT

Shri B.I. Kazi (B.Sc., L.L.M), Presiding Officer
Industrial Dispute (Reference C.G.I.T.A.)

No. 387/04.

Old (ITC) No. 41/01

LIC of India,
The Divisional Manager,
L.I.C. of India Divil. Office,
Jeevan Prakash Tilak Road,
P.B. No. 277, Ahmedabad
Gujarat-380001

First Party

V/s.

Sh. A.N. Mehta,
5, Jalaram Park Opp. Telecom Centre,
Bhairavanath Road,
Ahmedabad (Gujarat)

Second Party

APPEARANCE

First Party

Shri K. V. Gadhiya, Shri Mahendra K. Patel

Second Party

Shri P. Chidambaram, Shri Sanjay Vaghela

AWARD

The Government of India has referred the Industrial Dispute between the above parties by order No. L-17012/1/2001-IR (B-I) dated 26-04-2001 to this Tribunal for adjudication. the terms of reference is as under.

SCHEDULE

"Whether the action of the management of LIC of India, is justified in awarding punishment of reduction by one stage permanently to Shri Anil N Mehta vide order dated 6-3-1993? If not what relief the workman concerned is entitled to?"

2. A notice was issued to the second party to file the statement of claim. By Ex. 4. The second party has submitted a statement of claim. The brief facts are that the employee is a permanent workman of the first party. He was active in the trade union activities and was office bearer for long years. The activity of the employee is not liked by the management and he has been victimized with an order of the punishment dated 6th March 1996. The employee was asked to do the work of cashier. The functions of an assistant do not include, the functions of a cashier and he was not imparted any training to operate the cash module. The employee showed his inability to do work of a cashier On 19-01-1996. The inquiry was held against him with pre-conceived and predetermined intention. Without taking the explanation of the employee into consideration, he has been penalized. To operate the cash module the training is required, which has not been given to the employee. Assistant is not required to do the work of cashier. The punishment are uncalled for, unjust, malafide, vindictive, illegal and void-ab-initio. Thus it is prayed that to quash and set aside the order of punishment dated 6-3-1998 and to pay the increment stopped from the day, and to grant any other relief which deems fit, and to pay the cost of the reference.

3. A notice was issued to the first party to file the written statement. By Ex. 6. The first party has submitted a written statement. The brief facts are that the present reference is liable to be dismissed on the grounds mention in para 1. The corporation has regulations providing for the terms and condition of service of the employees of the corporation. Under regulation 21, staff employees of the corporation shall at all times maintain absolute integrity and devotion to duty and shall confirm to and abide by the regulations and shall observe, comply with and obey all orders and directions which may, from time to time be given to him in the course of his official duties. There is a provision of penalty for the breach of that rule and penalties are mentioned in clause (a) to (g) of regulation 39 (1). At the relevant time the employee was an assistant. As an assistant, he was also required to discharge the duties of a cashier when necessary. The assistant and cashier are borne on the same scale of pay. The concerned workman on many occasions worked as cashier, and discharged his duty as a cashier both manually and on cash module. He was asked to undergo necessary training but he has refused to do so on every occasion. He was issued a chargesheet dated 8-5-1996 by the senior Divisional Manager, Ahmedabad for not obeying the office order dated 19-1-1996 to work as an officiating cashier. The concerned workman submitted a reply on 24-5-1996 neither admitting nor denial of the charges. An enquiry was conducted into the charges. The inquiry officer held the proceeding on 8th May, 1996 and several days thereafter, during which the delinquent employee was accorded all reasonable opportunity of defending himself against the charges. The inquiry officer submitted the report on 29-8-1997 holding all the charges against the concerned workman was proved. Disciplinary authority agreed with the findings of the enquiry officer and issued a show cause notice on 22-12-1997 proposing the penalty after considering the reply of the concerned workman dated 17-1-1998. The concerned workman has

given a notice of voluntary retirement. The disciplinary authority taking a lenient view of the matter imposed penalty of reduction basic pay by one stage. An appeal was preferred on 25-5-1998, and a memorial to chairman on 17-5-1995. Both of which were duly considered by the two authorities and rejected on 14-6-1999 and 17-3-2000 respectively. Thus the action of the corporation in imposing penalty upon the concerned workman was according to the statutory provisions as contained in staff regulations and conformity with the principles of natural justice and it is proportionate punishment. The action of the corporation is justified on merits. The Hon'ble High Court of Gujarat has dismissed S.C.A. No. 4272/2000 on merits. The contents of the petition was the same as under reference herein. It is further submitted that the concerned workman had been punished twice earlier, by withholding his increment for one year by order dated 25-4-1967 and by censuring by order dated 14-12-1967 for various acts of misconduct. It is denied that he concerned workman was victimized by the impugned order dated 6-3-1998. Thus the contentions allegation made in statement of claim is denied by the first party. In earlier occasions he worked as a cashier both manually and on cash module. Hence his allegation of lack of training as the reason for not officiating as a cashier on 19-1-1996 is unfounded. And it is prayed that reference shall be rejected with cost.

4. The first party has filed the preliminary point regarding the resjudicata because the dispute has been finally decided by the Hon'ble High Court of Gujarat in S.C.A. 4272/2000. The order of the Hon'ble High Court of Gujarat dated 3-7-2000 is produced by Ex. 8.

5. The second party has not submitted any reply, though order passed by the Tribunal.

6. Though proper opportunity was given to the second party, the second party did not remain present before the Tribunal to proceed with the reference. The second party did not led oral or documentary evidence for the relief as prayed in the statement of claim.

7. Looking to the written statement of (Ex. 6) and looking to the application to decide the preliminary point (Ex. 8) and looking to the terms of reference the following issues are to be decided for my consideration :

- (a) Whether the action of the management of L.I.C. of India, is justified in awarding the punishment of reduction by one stage permanently to the concerned workman vide order dated 6-3-93.?
- (b) Whether the concerned workman is entitled for any relief?
- (c) What final Order.?

My answer to the above issues are as under as per reasons given below :

- (A) Yes.
- (B) No.
- (C) As per the final award of the reference.

REASONS

8. Looking to the documents produced by the second party regarding disciplinary proceedings against the second party it is clear that the workman was given the chargesheet and after the holding the inquiry an order has been passed for mis-conduct committed by the concerned workman. Thus disciplinary authority has passed an order of punishment i.e. penalty of reduction of one stage permanently basic pay in the present time scale of pay applicable to the concerned workman. An appeal was preferred against this punishment and the appellate authority after considering the grounds taken in the appeal has passed an order there is no evidence to show that due to union activity the concerned workman was victimized. Thus the inquiry held against the concerned workman was as per rule applicable to the concerned workman. And it was according to the principle of natural justice. Proper opportunity was given by the inquiry officers for defending the charges. Thus the inquiry was held as per the L.I.C. of India staff regulations. The report was submitted by the inquiry officer on 29-8-1997. And after considering the records of inquiry and report, and after issuing of show cause notice an order of punishment was passed by the disciplinary authority on 6-3-1998. An appeal was filed against that order and it was rejected by the appellate authority. Then after the concerned workman prefer S.C.A. No. 4272/2000 before the Hon'ble High of Gujarat. And Hon'ble High Court of Gujarat after hearing the petition has passed an order dated 3-07-2000 and petition of the concerned workman was dismissed in-limine. Thus there is an elaborate discussion in para 5 of that judgement. Looking to that judgement it is clearly established that the present dispute is decided by the Hon'ble High Court on merits. Thus a res-judicata is applicable to the present reference. Not only that though sufficient opportunity was given to the second party, He did not established his case regarding the punishment. That is punishment is harsh and unjust and disproportionate.

9. The first party has submitted an application regarding the preliminary point by Ex. 8. No reply has been given by the second party. Thus it is nothing but and admission by the second party that res-judicata is applicable to the present reference. Thus it is being a pure question of law and dispute is decided finally on merit by the Hon'ble High Court by order dated 3-7-2000 in S.C.A. No. 4272/2000. Thus this Tribunal is declined to interfere in the matter.

10. Looking to the above observations I hereby pass the following order :

ORDER

The application preliminary issue of the first party is hereby accepted. The Hon'ble High Court of Gujarat has considered the issue in the reference in S.C.A. No. 4272/2000. Hence principle of res-judicata is applicable to the present reference. Thus the reference is rejected. No order as to cost.

Date : 22-08-05

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1377.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इश्योरेंस क. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण भीलवाड़ा के पंचाट (संदर्भ संख्या 187/99) को प्रकटित करती है, जो केन्द्रीय सरकार को 08-03-2006 को प्राप्त हुआ था।

[सं० एल-17012/19/1999-आई आर (बी-II)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1377.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 187/99) of the Industrial Tribunal, Bhilwara (Rajasthan), as shown in the Annexure in the Industrial Dispute between the management of National Insurance Corporation Limited and their workman, received by the Central Government on 08-03-2006.

[No. L-17012/19/1999-IR(B-II)]

B.M. DAVID, Under Secy.

अनुबंध :

श्रम न्यायालय, भीलवाड़ा (राज)

पीठासीन अधिकारी

एम.एल. शर्मा—प्रथम, आर.एच.जे.एस.

श्रम विवाद प्रकरण संख्या : 187/99

श्री प्रदीपकुमार पाराशर पुत्र श्री शांति लाल जी निवासी-भीलवाड़ा।

.. आवेदक

: बनाम :

शाखा प्रबंधक, नेशनल इश्योरेंस कंपनी लि., भीलवाड़ा।

.. अनावेदक

उपस्थित :

श्री प्रभाष चौधरी, प्रतिनिधि-आवेदक की ओर से।

श्री सीता राम, प्रतिनिधि-अनावेदक की ओर से।

: पंचाट :

दिनांक 18-11-05

1. भारत सरकार के श्रम मंत्रालय ने अधिसूचना संख्या एल-17012/19/99 आई आर (बी-II) दिनांक 25-10-99 के द्वारा औद्योगिक विवाद अधि. 1947 की धारा 10 (1) (घ) के तहत निम्न विवाद इस न्यायालय को अधिनिर्णयार्थ प्रेषित किया :—

“Whether the action of Branch Manager, National Insurance Company Ltd, Bhilwara in terminating the service of Sh. Pradeep Kumar Parashar S/o Sh. Shanti Lal Parasar w.e.f. 1-12-98 is legal and justified? If not what relief the concerned workman is entitled to?”

उपर्युक्तानुसार विवाद दिनांक 2-12-99 को प्राप्त होने पर क्रम संख्या 187/99 पर दर्ज हुआ तथा पक्षकारान को सूचित किया गया।

3. दिनांक 13-4-2000 को प्रस्तुत स्टेटमेंट आफ क्लेम के मुताबिक आवेदक ने अनावेदक बीमा कंपनी में दिनांक 1-10-93 से 30-11-98 तक चतुर्थ श्रेणी कर्मचारी के रूप में कार्य किया। आवेदक की यह कार्यविधि अधि. 1947 की धारा 25 (बी) के तहत आशयित निरंतर सेवा की तारीफ में आती है। दिनांक 1-12-98 को बिना कोई कारण बताए आवेदक को अधि. 1947 की धारा 25 (एफ) के तहत प्रावधान के उल्लंघन में सेवा से पृथक् कर दिया, जबकि आवेदक से कनिष्ठ कर्मकार आज भी कार्यरत हैं। सेवा पृथक्-करण के पश्चात् आवेदक बेरोजगार है। आवेदक ने निवेदन किया कि उसे समस्त लाभ सहित सेवा में पुनः नियोजित किया जाये।

4. दिनांक 12-7-01 को प्रस्तुत जवाब के मुताबिक जयपुर में केन्द्रीय सरकार द्वारा स्थापित औद्योगिक एवं श्रम न्यायालय मौजूद होने के बावजूद यह विवाद इस न्यायालय को प्रेषित किये जाने का औचित्य नहीं है तथा न्यायालय को विवाद सुनवाई की अधिकारिता नहीं है। केन्द्रीय सरकार ने समुचित विचार किये बिना रेफरेन्स प्रेषित किया है। आवेदक एवं अनावेदक बीमा कंपनी के मध्य श्रमिक एवं नियोजक का संबंध कभी नहीं रहा तथा प्रेषित विवाद अधि. 1947 की धारा 2 (के) के तहत औद्योगिक विवाद की तारीफ में नहीं आता। इन प्रारंभिक आपत्तियों के पश्चात् अनावेदक बीमा कंपनी ने क्लेम का पैरा वाईज जवाब देते हुए उल्लेख किया कि आवेदक को दि. 18-4-95 को आकस्मिक रूप से पानी भरने एवं अन्य कार्य के लिए कार्य पर लगाया गया तथा उसने आवश्यकतानुसार अंशकालिक के रूप में समय-समय पर कार्य किया। आवेदक द्वारा किये गये कार्य के संबंध में शाखा प्रबंधक द्वारा बिलों के आधार पर भुगतान किया जाता था तथा आवेदक ने इस तरह के भुगतान को बिना किसी आपत्ति स्वीकार किया। आवेदक स्वविवेकानुसार कार्य करता था तथा वह अनावेदक बीमा कंपनी के किसी अधिकारी के निर्देशन में कार्य नहीं करता था। आवेदक ने किसी भी कलेंडर वर्ष में 240 दिन तक कार्य नहीं किया तथा अधि. 1947 की धारा 25 (बी) के तहत प्रावधान इस मामले में प्रभावी नहीं है। अनावेदक बीमा कंपनी द्वारा अधि. 1947 की धारा 25 (एफ) के तहत प्रावधान का कोई उल्लंघन नहीं किया गया। आवेदक दिनांक 14-9-98 के पश्चात् कार्य हेतु उपस्थित नहीं हुआ। आवेदक अन्यत्र बेहतर लाभ के पद पर कार्यरत है। अनावेदक बीमा कंपनी ने निवेदन किया कि आवेदक कोई राहत पाने का अधिकारी नहीं है तथा उसकी तरफ से प्रस्तुत क्लेम खारिज किये जाने योग्य है।

5. क्लेम के समर्थन में स्वयं आवेदक प्रदीप कुमार का शपथपत्र पेश हुआ। उससे अनावेदक बीमा कंपनी की तरफ से जिरह हुई। जवाब के समर्थन में एम. एल. माहेश्वरी, मंडलीय प्रबंधक, भोलवाड़ा व पंकज मेहरा, आडिट इंचार्ज, क्षेत्रीय कार्यालय, जयपुर के शपथपत्र पेश हुए। उनसे आवेदक की तरफ से जिरह हुई।

6. बहस अंतिम उभयपक्ष सुनी। अनावेदक बीमा कंपनी की तरफ से लिखित बहस भी पेश हुई। पत्रावली का ध्यानपूर्वक अवलोकन किया।

7. आवेदक की तरफ से जाहिर किया गया कि आवेदक ने अनावेदक बीमा कंपनी में दिनांक 1-10-93 से 30-11-98 तक चतुर्थ श्रेणी कर्मचारी के रूप में निरंतर कार्य किया तथा उसकी यह कार्यविधि अधि. 1947 की धारा 25 (बी) के तहत आशयित निरंतर कार्य की तारीफ में आती है। आवेदक को अधि. 1947 की धारा 25 (एफ) के तहत संरक्षण प्राप्त है। आवेदक को दिनांक 1-12-98 को अधिनियम 1947

की धारा 25 (एफ) के तहत प्रावधान के उल्लंघन में सेवा से पृथक् कर दिया- जो सेवा पृथक्करण अवैध है। आवेदक के कार्य के संबंध में आवेदक की तरफ से प्रस्तुत विवरण अनावेदक बीमा कंपनी के गवाह द्वारा स्वीकार किया गया है तथा अनावेदक बीमा कंपनी ने आवेदक के कार्य से संबंधित पूर्ण अभिलेख न्यायालय में पेश नहीं किया है। सेवा पृथक्करण के पश्चात् आवेदक बेरोजगार है। योग्य आवेदक प्रतिनिधि के मतानुसार आवेदक समस्त लाभ सहित सेवा में पुनः नियोजन का अधिकारी है। समर्थन में न्यायिक विनिश्चय एकल पीठ दीवानी रिट याचिका सं. 3453/94 अंशकालीन समाज कल्याण संघ, बांसवाड़ा बनाम राज. राज्य व अन्य माननीय राज. राज्य व उच्च न्यायालय, जोधपुर द्वारा निर्णित दिनांक 26-5-95 व म्यूनिसिपल कार्पोरेशन आफ देहली बनाम राजिन्दर सिंह नेगी एवं अन्य 2003(97) एफ. एल. आर. पेज 129(देहली) पेश किये।

8. अनावेदक बीमा कंपनी की तरफ से जाहिर किया गया कि जयपुर में केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय मौजूद होने की स्थिति में इस न्यायालय को प्रेषित रेफरेन्स विधि सम्मत नहीं है तथा न्यायालय को इस रेफरेन्स की सुनवाई की अधिकारिता नहीं है। आवेदक एवं अनावेदक बीमा कंपनी के मध्य श्रमिक एवं नियोजक का संबंध नहीं होने की स्थिति में यह विवाद अधि. 1947 की धारा 2 (के) के तहत औद्योगिक विवाद की तारीफ में नहीं आता। आवेदक को चतुर्थ श्रेणी कर्मचारी के पद पर कोई नियुक्ति नहीं दी गई तथा न ही उसने नियमित रूप से कोई कार्य किया। आवेदक को कार्य विशेष हेतु समय विशेष के लिए लगाया गया था तथा उसके द्वारा प्रस्तुत बिलों के आधार पर उसे भुगतान की गई राशि के संबंध में उसने कभी आपत्ति नहीं की। आवेदक का कार्य नियमित प्रकृति का नहीं था तथा न ही उसके कार्यों पर शाखा प्रबंधक का नियंत्रण था। आवेदक ने किसी भी कलेंडर वर्ष में 240 दिन तक कार्य नहीं किया तथा उसकी कार्यविधि अधि. 1947 की धारा 25 (बी) के तहत आशयित निरंतर कार्य की तारीफ में नहीं आती। आवेदक को अनावेदक बीमा कंपनी द्वारा सेवा से पृथक् नहीं किया गया आवेदक से कनिष्ठ कर्मचारियों को सेवा में बनाये रखने बावत कोई विवरण आवेदक की तरफ से पेश नहीं हुआ है। अनावेदक बीमा कंपनी की तरफ से प्रस्तुत साक्ष्य अविश्वसनीय माने जाने की कोई वजह नहीं है तथा आवेदक यह सिद्ध नहीं कर पाया है कि उसने सेवा मुक्ति के दिवस से गत एक कलेंडर वर्ष में 240 दिन तक निरंतर कार्य किया। अनावेदक बीमा कंपनी ने अधि. 1947 की धारा 25 एफ व एच के तहत किसी प्रावधान का उल्लंघन नहीं किया है। अनावेदक बीमा कंपनी के योग्य प्रतिनिधि के मतानुसार आवेदक कोई राहत पाने का अधिकारी नहीं है तथा उसकी तरफ से प्रस्तुत स्टेटमेंट आफ क्लेम खारिज किये जाने योग्य है। समर्थन में न्यायिक विनिश्चय राजवीर सिंह बनाम जज, श्रम न्यायालय एवं अन्य 1996 एल.एल.आर. पेज 61 (राज.), यू.पी. आवास एवं विकास परिषद् बनाम कनक एवं अन्य 2003/(96) एफ.एल. आर. पेज 492 (एस.सी.), सोनल गारमेंट्स बनाम त्रिम्बक शंकर कारवे 2003 (96) एफ.एल.आर. पेज 498 (बोम्बे), रेंज फोरेस्ट आफिसर बनाम एस.टी. हडीमनी जे.टी. 2002(2) एस.सी.) पेज 238, इंडियन एयर लाईन्स बनाम सिबस्टीयन 1991 एल.एल.आर. पेज 211 (केरल), राम गोपाल सेनी बनाम जज, श्रम न्यायालय नं. 2, जयपुर एवं अन्य डब्ल्यू.एल.सी. (राज.) 2001 (1) पेज 592, इंडियन नेशनल बैंक एम्प्लॉईज काँग्रेस बनाम केन्द्रीय औद्योगिक न्यायाधिकरण एवं अन्य डब्ल्यू.एल.सी. (राज.) 1997(3) पेज 51, पंजाब स्टेट इलेक्ट्रीसिटी बोर्ड, पटियाला बनाम पीठासीन अधिकारी, श्रम न्यायालय, भटिंडा एवं अन्य 1997 एल. एल.आर. पेज 54 (पंजाब एवं हरियाणा) मनसुख भाई जीवाभाई एवं अन्य बनाम भावनगर महानगरपालिका 1997

एल.एल.आर. पेज 582 (गुजरात), इसेन डेंकी बनाम राजीव कुमार जे.टी. 2002(8) एस.सी. पेज 471, राजीव कुमार शर्मा बनाम स्टेट आफ राज. एवं अन्य डब्ल्यू.एल.सी. (राज.) 1996(1) पेज 216, पाली सेंट्रल को-ऑपरेटिव बैंक लि., पाली बनाम सुनील कुमार शर्मा 1994 लेब. आई.सी. पेज 1370 (राज.) पेश किये।

9. केन्द्र सरकार द्वारा प्रेषित रेफरेन्स के मुताबिक यह विवाद केन्द्र सरकार ने अधि. 1947 की धारा 7(क) के तहत गठित औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय, भीलवाड़ा को अधि. 1947 की धारा 10(1)(घ) के तहत न्यायनिर्णयन हेतु प्रेषित किया है। अधि. 1947 की धारा 10(1) में इस आशय का स्पष्ट प्रावधान है कि समुचित सरकार की दृष्टि में कोई औद्योगिक विवाद उत्पन्न होता है या इस तरह के विवाद की आशंका है तो इस अधिनियम के तहत अनुसूची 2 व 3 में वर्णित किसी मामले के संबंध में कथित विवाद अधिनियमार्थ औद्योगिक न्यायाधिकरण या श्रम न्यायालय को प्रेषित किया जा सकता है। अधि. 1947 की धारा 2(ए) के तहत समुचित सरकार को परिभाषित किया गया है—जिस परिभाषा के मुताबिक धारा 2(ए)(1) में वर्णित संस्थानों/संस्थाओं, प्राधिकारी आदि से संबंधित औद्योगिक विवाद के संबंध में केन्द्रीय सरकार तथा धारा 2(ए) (ii) में निहित प्रावधान के मुताबिक अन्य औद्योगिक विवाद के संबंध में राज्य सरकार समुचित सरकार है। अधि. 1947 की धारा 7 के तहत श्रम न्यायालय एवं धारा 7(ए) के तहत औद्योगिक न्यायाधिकरण की स्थापना समुचित सरकार द्वारा की जाती है तथा इस तरह से स्थापित न्यायाधिकरण/न्यायालय को अधि. 1947 के तहत द्वितीय व तृतीय अनुसूची में वर्णित मामलों के संबंध में समुचित सरकार द्वारा प्रेषित विवादों की सुनवाई की अधिकारिता प्राप्त है। यह न्यायालय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय, भीलवाड़ा के रूप में राज्य सरकार द्वारा स्थापित है तथा इस न्यायाधिकरण/न्यायालय को केन्द्र सरकार द्वारा विवाद प्रेषित किया जाना किसी तरह से अविधि सम्मत नहीं है। उल्लेखनीय है कि केन्द्र सरकार द्वारा प्रेषित यह विवाद भीलवाड़ा स्थित नेशनल इश्योरस कंपनी के शाखा प्रबंधक व आवेदक/श्रमिक सेवा पृथक्करण के संबंध में उत्पन्न हुआ—जिस संबंध में समझौता नहीं होने पर केन्द्र सरकार ने अधिनियमार्थ यह विवाद इस न्यायालय को प्रेषित किया। मेरी राय में इस विवाद के संबंध में केन्द्र सरकार अधि. 1947 की धारा 10(1) के तहत समुचित सरकार की तारीफ में आती है तथा केन्द्र सरकार द्वारा यह विवाद अधिनियमार्थ इस न्यायालय को प्रेषित किये जाने की स्थिति में इस विवाद की सुनवाई की अधिकारिता इस न्यायालय को प्राप्त है। जयपुर में केन्द्र सरकार द्वारा स्थापित कोई औद्योगिक न्यायाधिकरण/श्रम न्यायालय मौजूद होने मात्र आधार पर यह नहीं माना जा सकता कि केन्द्र सरकार द्वारा यह विवाद इस न्यायालय को प्रेषित किया जाना अविधि सम्मत है या इस न्यायालय को विवाद सुनवाई की अधिकारिता नहीं है।

10. अनावेदक बीमा कंपनी की तरफ से यह भी जाहिर किया गया कि केन्द्र सरकार ने मामले से संबंधित तथ्यों पर समुचित विचार किये बिना रेफरेन्स निर्णय हेतु न्यायालय को प्रेषित कर दिया। इस संबंध में विधि की स्थिति स्पष्ट है कि कोई औद्योगिक विवाद विद्यमान है या नहीं इस संबंध में निर्णय समुचित सरकार द्वारा किया जाता है तथा समुचित सरकार की दृष्टि में औद्योगिक विवाद विद्यमान होने की स्थिति में इस संबंध में समुचित सरकार के निर्णय को चुनौती नहीं दी जा सकती। अधि. 1947 के तहत समुचित सरकार द्वारा प्रेषित रेफरेन्स का उत्तर दिया जाना इस न्यायालय के लिए आवश्यक है। इसके अलावा अनावेदक बीमा कंपनी की तरफ से यह स्पष्ट भी नहीं हो पाया है कि समुचित सरकार ने मामले के तथ्यों पर किस तरह से समुचित विचार

नहीं किया। यह आवश्यक नहीं है कि समुचित सरकार रेफरेन्स प्रेषित करने के लिए नियोजक पक्ष का मत स्वीकार ही करे। इस संबंध में अनावेदक बीमा कंपनी की आपत्ति निरर्थक व अनावश्यक है।

11. आवेदक की तरफ से प्रस्तुत स्टेटमेंट आफ क्लेम के पैरा सं. एक में उल्लेख है कि "श्रमिक ने विपक्षी नियोजक ब्रांच मैनेजर नेशनल इश्योरस कंपनी खेतावत मार्केट, भीलवाड़ा के अधीन चतुर्थ श्रेणी कर्मचारी के रूप में दिनांक 1-10-93 से 30-11-98 तक कार्य किया।" आवेदक के शपथ पत्र के पैरा सं. एक में अंकित किया गया कि "मुझ प्रार्थी कामगार को विपक्षी नियोजक ने अपने अधीनस्थ चतुर्थ श्रेणी कर्मचारी के पद पर दिनांक 1-10-93 से नियोजित किया। प्रार्थी ने दिनांक 1-10-93 से 30-11-98 तक निरंतर एवं नियमित रूप से कार्य किया है। प्रार्थी ने प्रत्येक कलेंडर वर्ष में 240 दिन से अधिक कार्य दिवसों की ड्यूटी अंजाम दी है। इस दौरान विपक्षी ने प्रार्थी से नियमित रूप से आफिस में पानी भरने, सफाई का कार्य करने, कार्यालय की डाक वितरित करने, कार्यालय के पत्रादि की रजिस्ट्री करने बैंक में कंपनी की ओर से रुपया जमा कराने का कार्य तथा कार्यालय समाप्ति पर कार्यालय को शाम को बंद करने का कार्य समय में कार्यालय को खोलने का कार्य नियमित रूप से लिया है। कार्यालय समाप्ति पर आफिस की चाबी अपने अधिकारी के घर पहुंचाने का कार्य मुझ प्रार्थी द्वारा किया गया है। प्रार्थी को उक्त पद के कार्य का भुगतान विपक्षी द्वारा समय पर बिल वाउचर से किया गया है— जो प्रदर्श पी. 1 से पी. 5 है।" अनावेदक बीमा कंपनी की तरफ से प्रस्तुत जवाब दिनांक 12-7-01 में आवेदक के कार्य व कार्याविधि के संबंध में मात्र यह उल्लेख किया गया कि आवेदक ने समय-समय पर अंशकालीन रूप में आकस्मिक रूप से पानी भरने व अन्य कार्य किये तथा दिनांक 14-9-98 के पश्चात् वह कार्य पर उपस्थित नहीं हुआ, जबकि अनावेदक बीमा कंपनी की तरफ से प्रस्तुत गवाह एम. एल. माहेश्वरी ने आवेदक की कार्याविधि एवं उसको भुगतान से संबंधित विवरण प्रदर्श एम. 1 से एम. 4 होने बतलाये तथा अन्य गवाह पंकज मेहरा ने कार्य विवरण प्रदर्श एम 5 के मुताबिक होना बतलाया। अनावेदक बीमा कंपनी की तरफ से प्रस्तुत जवाब दिनांक 12-7-01 एवं अनावेदक बीमा कंपनी की तरफ से पेश की गई मौखिक साक्ष्य में एकरूपता नहीं होकर भिन्नता होना प्रतीत होती है। जवाब के भाग द्वितीय के पैरा सं. एक में उल्लेख है कि आवेदक को शुरू में दिनांक 18-4-95 को पानी भरने एवं अन्य कार्य के लिए लगाया गया, लेकिन अनावेदक गवाह एम. एल. माहेश्वरी के शपथपत्र के पैरा सं. दो में हवाला है कि आवेदक ने वर्ष 93 में सिर्फ 1-10-93 से 15-10-93 तक कार्य किया। इस शपथपत्र के पैरा सं. 3 में उल्लेख है कि आवेदक ने वर्ष 94 में सिर्फ अप्रैल व मई में अलग-अलग समय में पानी भरने का कार्य किया। शपथपत्र के पैरा सं. 5 में अंकनानुसार आवेदक ने वर्ष 95 में दिनांक 1-4-95 में समय-समय पर पानी भरने का कार्य किया। वर्ष 93, 94 व 95 में आवेदक द्वारा किये गये कार्य का जो अलग-अलग विवरण गवाह एम. एल. माहेश्वरी के शपथपत्र में अंकित है, इस तरह का कोई विवरण अनावेदक बीमा कंपनी की तरफ से प्रस्तुत जवाब दिनांक 12-7-01 में दर्ज नहीं है तथा इस जवाब में तो मात्र यह अंकित है कि आवेदक ने शुरू में दिनांक 18-4-95 से कार्य किया तथा दिनांक 14-9-98 के पश्चात् वह कार्य पर उपस्थित नहीं हुआ। स्पष्ट नहीं हो पाया है कि यदि आवेदक ने गवाह एम. एल. माहेश्वरी के शपथपत्र में वर्णानुसार वर्ष 93, 94 व 95 में कार्य किया तो इस तरह की स्थिति अनावेदक बीमा कंपनी की तरफ से प्रस्तुत जवाब में क्यों नहीं स्पष्ट की गई तथा जवाब में यह अंकित किया जाना कैसे संभव हुआ कि आवेदक को शुरू में दिनांक 18-4-95 को कार्य पर लगाया गया। गवाह एम.

एल. माहेश्वरी से की गई जिरह भी उल्लेखनीय है। इस गवाह ने जिरह में कहा कि "ब्रांच मैनेजर ने प्रार्थी को लगाया था। यह सही है कि इसने 1-10-93 से 30-11-98 तक अस्थायी रूप से काम किया था। प्रदर्श हमारे द्वारा प्रस्तुत वाउचर्स के आधार पर बनाया जो प्रदर्श 4 लगायत सही है। इसने हमारी ब्रांच में काम किया यह बात सही है। जब आवश्यकता होती है तब हम दैनिक वेतन पर भी आदमी लगाते हैं। प्रदर्श 6 हमारी ब्रांच का है, लेकिन इस पर पंकज मेहरा, शाखा प्रबंधक के हस्ताक्षर हैं या नहीं, पता नहीं। रिकार्ड हमारे कार्यालय में रहता है। रिकार्ड कभी-कभी उपलब्ध नहीं होता है इसलिए पेश नहीं कर सकते हैं। प्रार्थी ने सर्वप्रथम 1-10-93 से काम शुरू किया, यह बात शपथपत्र में लिखी है— जो सही है। यह सही है कि प्रदर्श 1 के अनुसार उल्लेखित दिनों का किया था।" जिरह में गवाह का यह कथन तो उसी के द्वारा शपथपत्र में वर्णित तथ्यों तथा पेश किये गये दस्तावेजात प्रदर्श एम. 1 से एम. 4 में अंकित विवरण से भिन्न ही नहीं बल्कि विपरीत हो जाता है। इस गवाह ने जिरह में यह स्पष्ट रूप से स्वीकार किया कि आवेदक ने दिनांक 1-10-93 से 30-11-98 तक अस्थायी तौर पर कार्य किया, जबकि शपथ पत्र में अंकित किया गया कि आवेदक ने वर्ष 93 में मात्र 15 दिन, वर्ष 94 में मात्र 2 माह तथा वर्ष 95 में अप्रैल 95 से कार्य किया एवं दिनांक 14-11-98 के पश्चात् उसने कोई कार्य नहीं किया। अनावेदक बीमा कंपनी की तरफ से आवेदक के कार्य के संबंध में जो दस्तावेजात पेश हुए हैं उनमें प्रथम दस्तावेज में आवेदक द्वारा दिनांक 1-10-93 से 15-10-93 तक कार्य किये जाने का हवाला है। दूसरे दस्तावेज में आवेदक द्वारा अप्रैल 94 में 8 दिन तथा मई 94 में 19 दिन कार्य किये जाने का उल्लेख है तीसरे दस्तावेज में आवेदक द्वारा अप्रैल 95 में 14 दिन, मई 95 में 13 दिन, जून 95 में 5 दिन, जुलाई 95 में 6 दिन, सितम्बर 95 में 20 दिन, नवंबर 95 में 4 दिन कार्य किये जाने का उल्लेख है। अन्य दस्तावेजात में नवंबर 95 में 6 दिन, दिसंबर 95 में 24 दिन, जनवरी 96 में 2 दिन, फरवरी 96 में 10 दिन, मार्च 96 में 19 दिन, अप्रैल 96 में 9 दिन, मई 96 में 19 दिन जून 96 में 20 दिन, जुलाई 96 में 20 दिन, अगस्त 96 में 20 दिन तथा अक्टूबर 96 में 21 दिन कार्य किये जाने का उल्लेख है। एक अन्य दस्तावेज में दिसंबर 96 में एक दिन, जनवरी 97 में 22 दिन, मार्च 97 में 20 दिन, अप्रैल 97 में 19 दिन, मई 97 में 9 दिन, जून 97 में 8 दिन, सितम्बर 97 में 22 दिन, अक्टूबर 97 में 10 दिन व दिसंबर 97 में 11 दिन कार्य किये जाने का उल्लेख है। दस्तावेज प्रदर्श एम. 5 में जनवरी 98 में 10 दिन, फरवरी 98 में 19 दिन, मई 98 में 10 दिन, अप्रैल 98 में 20 दिन, मई 98 में 10 दिन, जून 98 में 9 दिन, जुलाई 98 में 10 दिन, सितंबर 98 में 10 दिन व नवंबर 98 में 12 दिन कार्य किये जाने का हवाला है। उल्लेखनीय है कि इन दस्तावेजात में अंकित इस विवरण का उल्लेख न तो अनावेदक बीमा कंपनी के किसी गवाह ने अपने कथन में किया तथा न ही इस तरह का उल्लेख अनावेदक बीमा कंपनी की तरफ से प्रस्तुत जवाब में दर्ज किया गया। अनावेदक बीमा कंपनी की तरफ से प्रस्तुत जवाब में दर्ज किया गया। यह दस्तावेजात अनावेदक बीमा कंपनी की तरफ से दिनांक 25-6-2004 को पेश हुए हैं, जबकि अनावेदक बीमा कंपनी की तरफ से जवाब दिनांक 12-7-01 को पेश किया जा चुका था। स्पष्ट नहीं हो पाया है कि अनावेदक बीमा कंपनी की तरफ से दस्तावेजात में वर्णित विवरण देरी से क्यों पेश हुआ। आवेदक ने बीमा कंपनी द्वारा प्रस्तुत इन दस्तावेजात में वर्णानुसार कार्य किया तो अनावेदक गवाह एम. एल. माहेश्वरी द्वारा जिरह में यह कहना कैसे संभव हुआ कि आवेदक ने दिनांक 1-10-93 से 30-11-98 तक कार्य किया तथा "प्रदर्श 1 हमारे द्वारा प्रस्तुत वाउचर्स के आधार पर बनाया जो प्रदर्श 4 लगायत सही है " एवं " यह सही है कि प्रदर्श 1 के अनुसार उल्लेखित दिनों का किया

था।" दस्तावेजात प्रदर्श पी. 1 से पी. 5 आवेदक की तरफ से पेश हुए हैं। दस्तावेज प्रदर्श पी. 1 के मुताबिक आवेदक ने दिनांक 1-10-93 से 30-9-94 तक 253 दिन प्रदर्श 2 के मुताबिक आवेदक ने दिनांक 1-10-94 से 29-9-95 तक 248 दिन, दस्तावेज प्रदर्श पी. 3 के मुताबिक आवेदक ने 1-10-95 से 30-9-96 तक 245 दिन, दस्तावेज प्रदर्श पी. 4 के मुताबिक आवेदक ने दिनांक 1-10-96 से 30-9-97 तक 246 दिन, प्रदर्श पी. 5 के मुताबिक आवेदक ने दिनांक 1-10-97 से 30-9-98 तक 250 दिन कार्य किया तथा इस अवधि में साप्ताहिक अवकाश आदि शामिल किये जाने पर आवेदक की कार्याविधि क्रमशः 290 दिन, 281 दिन, 281 दिन, 282 दिन व 286 दिन होती है। इन दस्तावेजात में अदा की गई राशि तथा अधिकांश वाउचर्स की संख्या, कार्य समय का विवरण भी अंकित है। यदि अनावेदक गवाह एम. एल. माहेश्वरी के कथनानुसार ये दस्तावेजात वाउचर्स के आधार पर बनाये गये तथा ये दस्तावेजात सही हैं तो आवेदक का क्लेम इस गवाह के कथन से ही पूर्णतया समर्थित है। यदि यह माना जाये कि जिरह में इस गवाह के कथन में प्रदर्श 1 से 4 का उल्लेख सहचन से गलत हो गया तथा गवाह का तात्पर्य बीमा कंपनी की तरफ से प्रस्तुत विवरण प्रदर्श एम. 1 से प्रदर्श 4 से था तो भी गवाह का कथन एवं प्रदर्श एम. 1 से एम. 4 में दर्ज वर्णन में एकरूपता नहीं होकर महत्वपूर्ण भिन्नता है। उल्लेख किया जा चुका है कि गवाह एम. एल. माहेश्वरी ने अपने शपथपत्र में दस्तावेजात प्रदर्श एम. 1 से एम. 4 में अंकित पूर्ण विवरण को दर्ज नहीं किया तथा गवाह ने शपथपत्र में तो अंकित किया कि दिनांक 14-9-98 के पश्चात् आवेदक उपस्थित नहीं हुआ, जबकि प्रदर्श एम. 1 से एम. 4 दिनांक 1-10-93 से 15-10-97 तक की अवधि के हैं तथा जो प्रदर्श एम. 5 पेश हुआ है उसमें अंतिम दिनांक 18-11-93 दर्ज है। मामले की परिस्थितियों में गवाह एम. एल. माहेश्वरी का कथन अनावेदक बीमा कंपनी को सहायक नहीं होकर आवेदक को सहायक होना प्रतीत होता है।

12. अनावेदक बीमा कंपनी का दूसरा गवाह पंकज मेहरा प्रदर्श एम. 5 से संबंधित है, इस गवाह के कथनानुसार वह वर्ष 95 से वर्ष 2000 तक अनावेदक बीमा कंपनी में बतौर शाखा प्रबंधक कार्यरत था तथा आवेदक ने प्रदर्श एम. 5 में वर्णानुसार कार्य किया। इस गवाह के शपथपत्र के पैरा सं. 3 में उल्लेख है कि "श्री पाराशर द्वारा समय-समय पर किये गये कार्य का एक संपूर्ण विवरण— जो कि प्रकरण पर उपलब्ध दस्तावेजों एवं तथ्यों से तैयार किया गया है, इस शपथपत्र के साथ संलग्न किया गया है एवं जिसे प्रदर्श एम. 5 चिह्नित किया गया है एवं जिसमें मैं प्रमाणित करता हूँ। लेकिन पत्रावली के संलग्न विवरण प्रदर्श एम. 5 से गवाहों का शपथ पर यह कथन समर्थित नहीं है क्योंकि प्रदर्श एम. 5 दिनांक 2-2-98 से 18-11-98 तक की अवधि का है तथा इसमें कुल कार्य दिवस 110 अंकित है। उल्लेखनीय है कि अनावेदक बीमा कंपनी द्वारा प्रस्तुत जवाब में आवेदक द्वारा शुरू में 18-4-95 से कार्य शुरू किये जाने का उल्लेख है तथा अनावेदक गवाह एम. एल. माहेश्वरी ने आवेदक की कार्याविधि 1-10-93 से 15-10-93 बतलाई है तथा अनावेदक बीमा कंपनी की तरफ से आवेदक की कार्याविधि एवं उसे भुगतान किये गये विवरण के संबंध में जो दस्तावेजात प्रदर्श एम. 1 से एम. 5 पेश हुए हैं, उनमें भी कार्याविधि 1-10-93 से 18-11-98 तक है, लेकिन आश्चर्य है कि अनावेदक गवाह पंकज मेहरा ने आवेदक की कार्याविधि प्रदर्श एम. 5 में वर्णानुसार होना बतलाया है। इस गवाह ने जिरह में कहा कि "प्रार्थी ने 1-10-93 से 30-11-93 तक काम किया, किंतु इसने लगातार काम नहीं किया।" इस वाक्य में शायद 30-11-93 सहचन से अंकित हो गया या स्वयं गवाह ने सहचन से कह

दिया क्योंकि 30-11-93 तक आवेदक द्वारा कार्य किये जाने बाबत अनावेदक बीमा कंपनी के किसी अभिकथन दस्तावेज में उल्लेख नहीं है। यह तारीख 30-11-98 होना संभव है क्योंकि स्वयं गवाह द्वारा प्रमाणित प्रदर्श एम. 5 में आवेदक द्वारा कार्य की अंतिम तारीख 18-11-98 दर्ज है। इस तरह से यदि जिरह में गवाह के इस वाक्य में 30-11-93 तक आवेदक द्वारा कार्य किया जाना माना जाये तो भी इस गवाह के शपथपत्र के पैरा सं. 3 में किया गया अंकन व उसके द्वारा प्रमाणित दस्तावेज प्रदर्श एम. 5 असत्य हो जाता है। यही नहीं गवाह पंकज मेहरा ने जिरह में यह भी कहा है कि "प्रदर्श पी. सही पेश किया गया है।" उल्लेख किया जा चुका है कि प्रदर्श पी. दिनांक 1-10-93 से 30-9-94 तक की अवधि का है तथा इसमें वास्तविक कार्य दिवस 253 व साप्ताहिक अवकाश आदि शामिल किये जाने पर 290 दिवस अंकित हैं। इस तरह से इस गवाह का कथन भी अनावेदक बीमा कंपनी को सहायक नहीं होकर आवेदक को ही सहायक होना प्रतीत होता है।

13. उल्लेख किया जा चुका है कि अनावेदक बीमा कंपनी की तरफ से प्रस्तुत दोनों गवाहान के कथन अनावेदक बीमा कंपनी को सहायक होने प्रतीत नहीं होते तथा इन गवाहान के कथन एवं पेश किये गये दस्तावेजात प्रदर्श एम. 1 से एम. 5 व बीमा कंपनी की तरफ से पेश किये गये जवाब में वर्णित तथ्यों में एक रूपता नहीं होकर भिन्नता है। बीमा कंपनी की तरफ से पेश की गई साक्ष्य उसकी तरफ से प्रस्तुत जवाब में वर्णित तथ्यों के अनुरूप नहीं हैं। जवाब में आवेदक द्वारा शुरू में दिनांक 18-4-95 से कार्य शुरू किया जाना अंकित किया गया, जबकि बीमा कंपनी की तरफ से प्रस्तुत मौखिक व दस्तावेजी साक्ष्य के मुताबिक आवेदक ने दिनांक 1-10-93 से कार्य शुरू किया। आवेदक की तरफ से दिनांक 12-7-01 को एक दरखास्त इस आशय की पेश हुई थी कि दिनांक 1-10-93 से 30-11-98 तक भुगतान वाऊचर आवेदक से संबंधित कार्यालय आदेश व उपस्थिति पंजिका की प्रतियां अनावेदक बीमा कंपनी से पेश कारवाई जाये। इस दरखास्त का जवाब में अनावेदक बीमा कंपनी की तरफ से दिनांक 14-12-01 को पेश हुआ—जिसके पैरा सं. 2 में उल्लेख किया गया कि आवेदक को शुरू में 18-4-95 को आकस्मिक रूप से कार्य पर लगाया गया तथा उसने दिनांक 14-9-98 तक ही कार्य किया, अतः दिनांक 1-10-93 से 30-11-98 तक भुगतान वाऊचर्स मांगे जाने का औचित्य नहीं है। यदि आवेदक को शुरू में 18-4-95 को कार्य पर लगाया गया तो अनावेदक बीमा कंपनी के दोनों गवाहान द्वारा शपथ पर यह कहना कैसे संभव हुआ कि आवेदक ने दिनांक 1-10-93 से कार्य किया तथा अनावेदक बीमा कंपनी की तरफ से प्रस्तुत दस्तावेजात में आवेदक द्वारा दिनांक 1-10-93 से कार्य किये जाने का उल्लेख किया जाना कैसे संभव हुआ। अभिलेख तलब किये जाने के संबंध में आवेदक की तरफ से उपर्युक्त दरखास्त का जवाब दिनांक 14-12-01 को पेश करने के पश्चात् अनावेदक बीमा कंपनी की तरफ से वांछित अभिलेख पेश किये जाने हेतु कई अवसर चाहे गये तथा 28-9-02 को अनावेदक बीमा कंपनी की तरफ से कुछ भुगतान वाऊचर्स की प्रतियां पेश हुईं। उस रोज पेश की गई सूची के मुताबिक वर्ष 95 से वर्ष 98 तक के भुगतान वाऊचर्स पेश हुए। उल्लेखनीय है कि अनावेदक बीमा कंपनी ने दिनांक 1-10-93 से भुगतान वाऊचर्स, आवेदक से संबंधित कोई आदेश तथा उससे संबंधित उपस्थिति पंजिका की प्रतियां पेश नहीं की। गवाह एम. एल. माहेश्वरी ने जिरह में कहा कि रिकार्ड हमारे कार्यालय में रहता है। रिकार्ड कभी कभी उपलब्ध नहीं होता है इस लिए पेश नहीं कर सकते हैं। गवाह पंकज मेहरा ने जिरह में बतलाया कि "इस न्यायालय में प्रार्थी की ओर से रिकार्ड तलबी का प्रार्थना पत्र दिनांक 12-7-01 को पेश किया उसके

संबंध में जो रिकार्ड उपलब्ध था यहां पेश कर दिया।" उल्लेखनीय है कि अनावेदक बीमा कंपनी की तरफ से प्रस्तुत जवाब दिनांक 14-12-01 में इस आशय का कोई हवाला नहीं था कि आवेदक द्वारा वांछित कोई अभिलेख अनावेदक बीमा कंपनी के पास मौजूद नहीं है। जवाब में तो यह अंकित किया गया था कि आवेदक ने दिनांक 18-4-95 से 14-9-98 तक कार्य किया तथा वांछित दस्तावेजात की अवधि दरखास्त में वर्णित नहीं है। दरखास्त में आवेदक से संबंधित आदेश व उपस्थिति पंजिका की प्रतियां चाही गई थी तथा इस प्रयोजनार्थ अवधि अंकित किये जाने की आवश्यकता नहीं थी। वैसे दरखास्त में भुगतान वाऊचर्स की अवधि 1-10-93 से 30-11-98 अंकित की गई थी। इसके अलावा यदि अनावेदक बीमा कंपनी के पास आवेदक से संबंधित अभिलेख मौजूद नहीं था या आवेदक ने दिनांक 18-4-95 से 14-9-98 तक ही कार्य किया तो स्वयं अनावेदक बीमा कंपनी की तरफ से प्रस्तुत दस्तावेज प्रदर्श एम. 1 से एम. 5—जो दिनांक 1-10-93 से 18-11-98 तक की अवधि के हैं, किस आधार पर तैयार किये गये एवं अनावेदक बीमा कंपनी के ही गवाहान एम. एल. माहेश्वरी व पंकज मेहरा द्वारा यह कहना कैसे संभव हुआ कि आवेदक ने दिनांक 1-10-93 से कार्य शुरू किया। स्पष्टतः अनावेदक बीमा कंपनी ने आवेदक के कार्य एवं उसकी अवधि से संबंधित समस्त आवश्यक अभिलेख जानबूझकर न्यायालय में पेश नहीं किया। इस संबंध में विधि की स्थिति स्पष्ट है कि विवाद के संबंध में उपलब्ध आवश्यक अभिलेख पेश किया जाना प्रत्येक पक्ष का कर्तव्य है भले ही किसी विन्दु या तथ्य को सिद्ध करने का भार उस पक्ष पर नहीं है—जैसा कि न्यायिक विनिश्चय गोपाल कृष्ण केतकर बनाम मोहम्मद हाजी ए. आई. आर. 1968 (एस. सी.) पेज 1413 में माननीय उच्चतम न्यायालय द्वारा अभिनिर्धारित किया गया। विधि की यह स्थिति भी स्पष्ट है कि किसी पक्ष द्वारा जानबूझकर अभिलेख पेश नहीं किये जाने की स्थिति में उसके विरुद्ध यह अवधारणा लिया जाना संभव है कि कथित दस्तावेजात पेश किये जाने की स्थिति में वे दस्तावेजात उस पक्ष को सहायक नहीं होते। विचाराधीन मामले में भी अनावेदक बीमा कंपनी ने आवेदक की तरफ से प्रस्तुत दरखास्त एवं न्यायालय के आदेश के बावजूद आवेदक से संबंधित उपलब्ध आवश्यक दस्तावेजात न्यायालय में पेश नहीं किये—जिस स्थिति में अनावेदक बीमा कंपनी के विरुद्ध यह अवधारणा लिया जाना उचित है कि कथित दस्तावेजात यानी आवेदक से संबंधित कार्यालय आदेश, उपस्थिति पंजिका की प्रतियां न्यायालय में पेश होती तो ये दस्तावेजात अनावेदक बीमा कंपनी के विरुद्ध प्रयुक्त होते। मामले की इन परिस्थितियों में आवेदक का यह कथन कि उसने अनावेदक बीमा कंपनी में दिनांक 1-10-93 से 30-11-98 तक निरंतर कार्य किया अविश्वसनीय माने जाने की कोई वजह नहीं है क्योंकि आवेदक के इस कथन का कोई खंडन अनावेदक बीमा कंपनी की तरफ से नहीं हो पाया है तथा आवेदक का कथन उसके द्वारा प्रस्तुत दस्तावेजात प्रदर्श पी. 1 से पी. 5 से समर्थित हैं जिन दस्तावेजात को अनावेदक बीमा कंपनी के गवाह एम. एल. माहेश्वरी द्वारा भी स्वीकार किया गया है तथा गवाह पंकज मेहरा ने भी दस्तावेज प्रदर्श पी. 1 को सही होना बतलाया है। इस तरह से आवेदक एवं बीमा के मध्य कर्मकार एवं नियोजक का सम्बंध होना सिद्ध है।

14. अनावेदक बीमा कंपनी की तरफ से प्रस्तुत जवाब में उल्लेख किया गया कि आवेदक को शुरू में दिनांक 18-4-95 को आकस्मिक रूप से पानी भरने एवं अन्य कार्य के लिए लगाया गया तथा उसका नियमित नियोजन नहीं रहा एवं दिनांक 14-9-98 के पश्चात् वह उपस्थित नहीं हुआ, लेकिन जवाब में अंकित यह तथ्य किसी संतोषजनक साक्ष्य से समर्थित नहीं हो पाया है। आवेदक को शुरू में दिनांक 18-4-95 को

आकस्मिक रूप से पानी भरने एवं अन्य कार्य के लिए नियोजित किये जाने बावत कोई दस्तावेजी प्रमाण अनावेदक बीमा कंपनी की तरफ से पेश नहीं किया गया है। स्पष्ट नहीं हो पाया है कि किसी दस्तावेजी प्रमाण के अभाव में अनावेदक बीमा कंपनी द्वारा जवाब में यह अंकित किया जाना कैसे संभव हुआ कि आवेदक को शुरू में दिनांक 8-4-95 को आकस्मिक रूप से पानी भरने एवं अन्य कार्य के लिए नियोजित किया गया। अनावेदक बीमा कंपनी की तरफ से जो दस्तावेजात प्रदर्श एम. 1 से एम. 5 पेश किये गये हैं उनमें दिनांक 1-10-93 से 15-10-93 तक आवेदक का कार्य "आफिस अपकीप," अप्रैल व मई 94 में "वाटर फिलींग" व "आफिस अपकीप," अप्रैल 95 से नवंबर 95 तक "वाटर फिलींग" व "आफिस अपकीप" तत्पश्चात् जनवरी 97 तक "वाटर फिलींग," "आफिस अपकीप" एवं बाद में सितम्बर 98 तक "मेन्टीनेन्स" तथा 2-11-98 से 18-11-98 तक "आफिस अपकीप" होना दर्ज है। जब आवेदक ने पानी भरने के अलावा कार्यालय का एवं मेन्टीनेन्स का कार्य भी किया है तो उसके द्वारा सिर्फ पानी भरने के लिए अंशकालीन कार्य किया जाना कैसे अंकित किया गया। आवेदक ने अपने कार्य के संबंध में शपथपत्र के पैरा सं. एक में स्पष्ट उल्लेख किया है तथा क्लेम के पैरा सं. 2 में भी अंकित किया गया था कि आवेदक ने ब्रांच के अधिकारी/कर्मचारी द्वारा बताया गया कार्य पूर्ण निष्ठा एवं लगन से किया- जिस तथ्य का कोई खंडन अनावेदक बीमा कंपनी की तरफ से नहीं हो पाया है। यदि यह मान भी लिया जाये कि आवेदक ने अंशकालीन कार्य किया तो भी आवेदक के मामले पर कोई विपरीत प्रभाव नहीं है क्योंकि न्यायिक विनिश्चय यशवंत सिंह यादव बनाम राज. राज्य आर. एल. आर. 1989(1) पेज 156 तथा जय सिंह भाटी बनाम राज. राज्य आर. एल. डब्ल्यू. 1992 (2) पेज 140 में माननीय राज. उच्च न्यायालय की क्रमशः खंडपीठ व एकल पीठ द्वारा तय किया जा चुका है कि अंशकालीन श्रमिक भी अधि. 1947 की धारा 2(एस) के तहत कर्मकार की तारीफ में आता है।

15. विधि की वह स्थिति स्पष्ट है तथा अनावेदक बीमा कंपनी की तरफ से प्रस्तुत न्यायिक विनिश्चयों यथा रेंज फोरेस्ट आफिसर बनाम एस.टी. हडीमनी जे. टी. 2002(2) एस. सी. पेज 238, पंजाब स्टेट इलेक्ट्रीसिटी बोर्ड बनाम पीठासीन अधिकारी, श्रम न्यायालय एवं अन्य 1997 एल. एल. आर. पेज 54 (पंजाब एवं हरियाणा) में इसने डेंकी बनाम राजीव कुमार जे.टी. 2002 (8) एस. सी. पेज 471 में अभिनिर्धारित किया गया कि सेवा पृथक्करण से गत एक कलेंडर वर्ष में श्रमिक द्वारा निरंतर 240 दिन तक कार्य किये जाने बावत तथ्य को सिद्ध करने का भार श्रमिक पर है। विचाराधीन मामले में आवेदक की कार्याविधि के संबंध में ऊपर विवेचन किया जा चुका है तथा इस विवेचन से मेरी राय में यह सिद्ध है कि आवेदक/श्रमिक ने अनावेदक बीमा कंपनी में सेवा पृथक्करण से गत एक कलेंडर वर्ष में 240 दिन तक निरंतर कार्य किया। आवेदक को दिनांक 1-10-98 को सेवा से पृथक् किया जाना बतलाया गया है तथा आवेदक ने दिनांक 1-10-93 से 30-11-98 तक निरंतर कार्य किया- जो कार्याविधि अधि. 1947 की धारा 25 (बी) के तहत आशयित गत एक कलेंडर वर्ष में निरंतर कार्य की तारीफ में आती है। आवेदक की कार्याविधि के संबंध में अनावेदक बीमा कंपनी की तरफ से सही विवरण पेश नहीं हुआ है तथा न ही आवेदक के कार्य व कार्याविधि के संबंध में समुचित अभिलेख अनावेदक बीमा कंपनी की तरफ से पेश किया गया। अनावेदक बीमा कंपनी की तरफ से इस आशय की भी कोई संतोषजनक साक्ष्य पेश नहीं हुई है- जिससे यह माना जा सके कि आवेदक को किसी कार्य विशेष के लिए निश्चित अवधि के लिए नियोजित किया गया तथा वह कार्य विशेष एवं अवधि

समाप्त हो गई। न्यायिक विनिश्चय दिनेश कुमार एच. एन. बनाम गुजरात राज्य एफ. एल. आर. 1988(56) पेज 254 में माननीय उच्चतम न्यायालय ने कई वर्ष तक कार्य प्रभारी श्रमिकगण के रूप में कर्मचारियों को बनावटी अंतराल के साथ नियोजित किया जाना अनुचित, अवैध व अनाधिकृत माना। इसी तरह न्यायिक विनिश्चय रवि नारायण महापात्र बनाम उड़ीसा राज्य ए. आई. आर. 1991 (एस. सी.) पेज 1286 में भी शिक्षक को ग्रीष्मावकाश व अन्य सेवा लाभ से वंचित करने के प्रयोजन से एक दिन का अंतराल दिखाते हुए करीब 4 वर्ष तक नियोजित रखना पूर्णतया अनुचित माना तथा इस तरह के शिक्षक को उड़ीसा अनुदानित शिक्षण संस्था अधि. 1989 की धारा 3 के तहत नियमितीकरण का अधिकारी माना। विचाराधीन मामले में भी अनावेदक बीमा कंपनी की तरफ से प्रस्तुत दस्तावेजात प्रदर्श एम. 1 से एम. 5 में अनावेदक बीमा कंपनी द्वारा आवेदक को सेवा लाभ से वंचित करने के प्रयोजन से उसकी कार्याविधि में अनुचित अंतराल दर्शाया है।

16. जहां तक आवेदक द्वारा भुगतान वाऊचर्स के माध्यम से राशि स्वीकार किये जाने का प्रश्न है, आवेदक ने जिरह में यह स्वीकार किया है कि उसे वाऊचर के माध्यम से भुगतान हुआ, लेकिन इसका तात्पर्य यह नहीं है कि आवेदक को सिर्फ प्रदर्श एम. 1 से एम. 5 में वर्णित वाऊचर के माध्यम से ही भुगतान हुआ। इसके अलावा देश में गरीबी व बेरोजगारी की भयावह स्थिति को दृष्टिगत रखते हुए यह सदैव संभव है कि श्रमिक नियोजक की हर शर्त को स्वीकार करे- इस संबंध में न्यायिक विनिश्चय जेकब एम.पी. बनाम केरल वाटर ओथोरिटी ए.आई.आर. 1990 (एस. सी.) पेज 2228 उल्लेखनीय है- जिसमें माननीय उच्चतम न्यायालय ने यह मत अभिव्यक्त किया कि—

India is a developing country. It has a vast surplus labour market. Large scale unemployment offers a matching opportunity to the employer to exploit the needy. Under such market conditions the employee can dictate his terms of employment taking advantage of the absence of the bargaining power in the other. The unorganised job-seeker is left with no option but to accept employment on take-it or leave—It terms offered by the employer such terms of employment offer no job security and the employee is left to the mercy of the employer. Employers have an increasing tendency to employ temporary hands even on regular and permanent jobs with a view to circumventing the protection offered to the working classes under the benevolent legislations enacted from time to time.

16-A पत्रावली पर इस आशय के कोई आधार नहीं है कि आवेदक ने कार्य बीमा कं. के अधीन नहीं कर स्वयं व स्वविवेकानुसार किया। स्वयं के द्वारा प्रस्तुत दस्तावेज व साक्ष्य से स्पष्ट है कि आवेदक ने कम्पनी के निर्देशानुसार कार्य किया।

16.B अनावेदक बीमा कंपनी के कथनानुसार आवेदक दिनांक 14-9-98 के पश्चात् स्वयं ही कार्य पर उपस्थित नहीं हुआ, लेकिन यह तथ्य अनावेदक बीमा कंपनी की तरफ से सिद्ध नहीं हो पाया है बल्कि अनावेदक बीमा कंपनी की तरफ से इस तथ्य के विपरीत साक्ष्य पेश हुई है। अनावेदक बीमा कंपनी के गवाह एम. एल. माहेश्वरी ने जिरह में यह कहा है कि "यह सही है कि इसने 1-10-93 से 30-11-98 तक अस्थायी रूप से कार्य किया था।" अनावेदक बीमा कंपनी की तरफ से प्रस्तुत दस्तावेज प्रदर्श एम. 5 में भी आवेदक का अंतिम कार्य दिवस

8-11-98 दर्ज है। आवेदक के कथनानुसार उसने दिनांक 30-11-98 तक कार्य किया- जिस कथन का कोई खंडन अनावेदक बीमा कंपनी की तरफ से नहीं हो पाया है। मामले की परिस्थितियों में आवेदक को दिनांक 1-12-98 से सेवा से पृथक किया जाना भी सिद्ध है। यद्यपि आवेदक का नियोजन अनियमित व अनधिकृत होने बाबत पत्रावली पर कोई आधार नहीं है, लेकिन यदि यह मान भी लिया जाये कि आवेदक के नियोजन से पूर्व निर्धारित प्रक्रिया नहीं अपनाई गई या उसे कोई नियमित नियोजन नहीं दिया गया तो भी विधि की यह स्थिति स्पष्ट है कि इस तरह के नियोजन को भी अधि. 1947 के तहत प्रावधानों के विपरीत समाप्त किया जाना संभव नहीं है। न्यायिक विनिश्चय राज. राज्य बनाम महेन्द्र जोशी 2002(95) एफ.एल.आर. पेज 595(राज.) में माननीय राज. उच्च न्यायालय द्वारा तय किया गया कि किसी श्रमिक का अनियमित नियोजन भी अधि. 1947 के तहत प्रावधानों के अनुरूप ही समाप्त किया जाना संभव है। अनावेदक बीमा कंपनी की तरफ से प्रस्तुत उपर्युक्त न्यायिक विनिश्चय विचाराधीन मामले में तथ्यों की विभिन्नता की वजह से अनावेदक बीमा कंपनी को किसी तरह से सहायक नहीं है तथा न्यायिक विनिश्चयों में यह अभिनिर्धारित किया गया है कि अधि. 1947 की धारा 25 (बी) के तहत आशयित निरंतर कार्य या मत एक वर्ष में 240 दिन तक निरंतर कार्य सिद्ध करने का भार श्रमिक पर है- जिस संबंध में ऊपर उल्लेख किया जा चुका है कि विचाराधीन मामले में पत्रावली पर उपलब्ध सामग्री से यह तथ्य सिद्ध है अन्य न्यायिक विनिश्चयों में तय किया गया कि श्रमिक द्वारा अधि. 1947 की धारा 25 (बी) के तहत आशयित निरंतर कार्य सिद्ध नहीं होने की स्थिति में उसे अधि. 1947 की धारा 25 (एफ) के तहत प्रावधान का लाभ देय नहीं है। विचाराधीन मामले में यह न्यायिक विनिश्चय प्रासंगिक नहीं है क्योंकि विचाराधीन मामले में अधि. 1947 की धारा 25 (बी) के तहत आशयित निरंतर कार्य पत्रावली पर उपलब्ध सामग्री से सिद्ध है।

17. स्टेटमेंट आफ क्लेम में इस आशय का भी उल्लेख है कि आवेदक से कनिष्ठ कर्मचारीगण को सेवा में बनाये रखा गया, लेकिन इस संबंध में कोई विवरण न तो स्टेटमेंट आफ क्लेम में दर्ज ही है तथा न ही आवेदक ने अपने शपथपत्र में इस संबंध में कोई विवरण दर्ज किया एवं न ही आवेदक की तरफ से इस संबंध में कोई साक्ष्य पेश हुई- जिस संबंध में अधि. 1947 की धारा 25(जी) के तहत कोई उल्लंघन होना प्रतीत नहीं होता।

18. उपर्युक्त विवेचन के आधार पर मेरी राय में आवेदक/श्रमिक द्वारा अधि. 1947 की धारा 25 (बी) के तहत आशयित निरंतर कार्य किये जाने की स्थिति में उसे इस अधिनियम की धारा 25(एफ) के तहत प्रावधान का संरक्षण प्राप्त है। आवेदक को दिनांक 1-12-98 से अधि. 1947 की धारा 25 (एफ) के तहत प्रावधान के उल्लंघन में सेवा से पृथक किया गया - जिस स्थिति में आवेदक का सेवा पृथक्करण अवैध है।

19. यद्यपि सेवा पृथक्करण के पश्चात् आवेदक किसी लाभ के पद पर नियोजित होने बाबत पत्रावली पर कोई आधार नहीं है, लेकिन सेवा पृथक्करण के पश्चात् की अवधि को दृष्टिगत रखते हुए तथा यह ध्यान में रखते हुए कि सेवा पृथक्करण के पश्चात् आवेदक द्वारा अनावेदक बीमा कंपनी में कार्य नहीं किया गया है, आवेदक उसे देय राशि की 50% बकाया राशि प्राप्त करने का अधिकारी होना प्रतीत होता है।

20. केन्द्र सरकार द्वारा प्रेषित विवाद निम्न तरह से निर्णित किया जाता है—

The action of Branch Manager, National Insurance Company Ltd., Bhilwara in terminating the service of Shri Pradeep Kumar Parashar w.e.f. 01-12-98 is not legal and justified. The workman is entitled to re-employment w.e.f. 1-12-98. His services will be treated as continued. He is also entitled to get 50% back wages from 1-12-98 to the date of employment.

उपर्युक्तानुसार पंचाट जारी किया जाता है।

एम.एल. शर्मा- प्रथम, न्यायाधीश

नई दिल्ली, 8 मार्च, 2006

का. आ. 1378.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली-II के पंचाट(संदर्भ संख्या 13/2003 को प्रकाशित) करती है, जो केन्द्रीय सरकार को 8-3-2006 को प्राप्त हुआ था।

[सं. एल-17011/24/2002-आई आर (बि-II)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O.1378.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2003) of the Central Government Industrial Tribunal-Cum-Labour Court, New Delhi No. II as shown in the Annexure, in the Industrial Dispute between the management of LIC of India and their workman, received by the Central Government on 08-03-2006.

[No. L-17011/24/2002-IR (B-II)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R.N. RAI.

I.D. NO. 13/2003

IN THE MATTER OF :—

Smt. Savita W/o Shri Surja Bhan. Sweeper.C/o Delhi Labour Union, Aggarwal Bhawan, G.T. Road. Tis Hazari. Delhi-110054.

VERSUS

The Branch Manager,
M/s. Life Insurance Corporation of India,
12-T, B-1, Panchwati, Adarsh Nagar,
Delhi-110033.

AWARD

The Ministry of Labour by its letter No. L-17011/24/2002-IR(B-II) Central Government Dtd. 24-12-2002 has referred the following point for adjudication.

The Point runs as under:—

"Whether the action of the Management of LIC, New Delhi in terminating the services of Smt. Savita, Ex-Sweeper w.e.f. 9-4-2001 is justified? If not, relief the workman is entitled to?"

The workman applicant has filed claim statement. In the claim statement it has been stated that the workman Smt. Savita joined into the employment of the Life Insurance Corporation of India since 13-12-1996 and was posted at 12-T, B-1, Panchwati, Adarsh Nagar, Delhi-110033, as a Safai Karamachari. She was performing duties continuously from 9.30 A.M. to 11.30 A.M. to She has unblemished and uninterrupted record of service to her credit.

That the workman aforesaid was working against a regular and permanent post from the initial date of her joining and her services should have been regularized from the initial date of her joining. She was being treated as a casual worker although she was neither casual nor daily wage as wages were paid monthly to her and further more being a regular workman, she cannot be termed as casual.

That as the management was not adhering to the just and bonafide demands of the workman regarding her regularization, a notice of demand dated 12-09-2000 was sent to the management but the management failed either to reply the said notice or accede to the bonafide demand of the workman and it was presumed that the demand has been rejected.

That on 9-10-2000 the workman filed her Statement of Claim before the Conciliation Officer.

That during the pendency of the above dispute, the Branch Manager of the Management, Sh Rajesh Batra on 9-4-2001 refused to allow the workman duties and as such terminated the services of the workman.

That the termination of services of the workman aforesaid is wholly illegal, bad, unjust and malafide for the following amongst other reasons:—

That by terminating the services of the workman, the management has altered the service conditions of the workman to her prejudice, during the pendency of the Industrial dispute for regularisation in service, before the Conciliation Officer.

That the management has violated Section 33 of the Industrial Disputes Act, 1947 as no permission was obtained from the Conciliation Officer for changing the service conditions of the workman. The management, is, therefore, liable to be prosecuted under Section 31 of the Industrial Disputes Act, 1947 with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both.

That the services of the workman has been terminated by way of victimization for raising the dispute for her regularization in service.

That the action of the management amounts to sheer exploitation of labour. That the action of the management amounts to unfair labour practice as provided in Section 2(ra) read with Item No.5 of the Industrial Disputes Act, 1947.

That no notice under Section 9-A of the Industrial Disputes Act, 1947 was served upon the workman for change of service conditions.

That the action of the management is violative of Article 21 of the Constitution of India.

That the workman aforesaid has not committed any misconduct whatsoever. However, in case of any alleged misconduct, no memo or charge sheet was served upon the workman, no domestic inquiry was conducted against the workman and she was not afforded any opportunity of being heard.

That even otherwise, the impugned termination of services is violative of Section 25-F, G&H of the Industrial Disputes Act, 1947 read with Rules 76, 77 and 78 of the Industrial Disputes (Central Rules, 1957).

That the workman aforesaid is unemployed from the date of termination of her services.

The Management has filed written statement. In the written statement it has been stated that the claim of the workman is not tenable in law and is liable to be rejected-limni on this issue alone. It is stated that the workman was never employed in any regular vacancy by Life Insurance Corporation of India. She was engaged only as a casual sweepress to do sweeping for two hours per day and she worked in Branch Unit 12-T from time to time for the period 13-12-96 to 17-7-97 and afterwards intermittently.

That the present claim of the workman is liable to be dismissed on this simple ground that since the workman was only engaged as a casual worker, cannot ask to be regularized as a regular employee. Even otherwise, absorption of such casual appointee without following the procedure set out in Recruitment Rules will be patently unfair and unjust.

That the present workman is not a workman and hence no Industrial Dispute can be raised by her.

That Smt. Savita was engaged as a casual worker to do sweeping work in Branch Unit No.12-T for two hours per day from time to time for the period 13-12-96 to 17-7-97.

It is reaffirmed that she was not working on regular and permanent post and was employed only as a casual worker from 13-12-96 to 17-7-1997 for two hours daily from time to time. It has been stated by respondent to her that she was not entitled.

For any regularization as part time sweepers for which certain procedure has to be followed by calling the name from employment Exchange etc. Whereas Smt. Savita was engaged as casual worker and sweeping charges were paid to her 1/4th the daily wage rate (i.e. 2 hours per day) as per rates applicable.

That the contents of paragraph No. 5 are denied. She was engaged on daily wages basis from time to time. Since no appointment letter to the workman was ever issued, termination of services does not arise.

She was never employed by the Corporation and as such do not affect the Provision of Sec. 9A, 31 & 33 of ID. Act 1947 as alleged.

That the workman's un-employment, if any is not due to the fault of management.

The workman applicant has filed rejoinder. In her rejoinder. She has reiterated the averments of her claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was working against a regular and permanent post from the initial date of her joining and her services should have been regularized from the date of her joining. She was being treated as a casual worker and daily wage but she was paid monthly like a regular workman. She cannot be termed as casual employee.

It was further submitted from the side of the management that the workman was not employed in any regular vacancy. She was engaged as casual sweep to do sweeping for two hours per day. A casual labour cannot be regularized or absorbed as there is no vacancy in that cadre. There is no post of sweeper. The work is of only two hours duration. So sweepers are engaged as per the availability of work. No post of sweeper has been created so she cannot be regularized against the non existing post. She cannot be absorbed de-horse the procedure set out for recruitment.

I have gone through the entire record and it is true that the workman has worked only for two hours and payment has been made to her. She has put her attendance and several others have been engaged for this job only. It was submitted from the side of the management that when this workman was not available the management was free to engage another workman for two hours duty and several others have been assigned the same job in the absence of the previous ones. The workman has also admitted that the sweeping work is only for two hours. There cannot be a regular appointee for two hours sweeping work. Two hours sweeping work may be done within an hour as per the exigency of work. Such nature of work is not meant for a permanent and a regular employee so no post has been created. My attention was drawn to 2005 II AD (Delhi) 179. This law is not applicable in the present facts and circumstances of the case. In this case the workman was engaged against leave vacancy. My attention was also drawn to 47 (1992) Delhi Law Times 559. This case law is not applicable as it is regarding equal pay for equal work regularization of those who are engaged in teaching job for hours and others for six hours. In this case there are no sweepers discharging four hours duty and six hours duty. This case law is not applicable in the present facts and circumstances of the case. The workman is not entitled for regularization or reinstatement.

The reference is replied thus :—

The action of the Management of LIC, New Delhi in terminating the services of Smt. Savita, Ex-Sweeper

w.e.f. 9-4-2001 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Dated : 28-02-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1379.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बेंगलूर के संघट (संदर्भ संख्या 28/2001 को प्रकाशित) करती है, जो केन्द्रीय सरकार को 8-3-2006 को प्राप्त हुआ था।

[सं. एल-17012/6/2001-आई आर (बी-II)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O.1379.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 28/2001) of the Central Government Industrial Tribunal-Cum-Labour Court Bangalore as shown in the Annexure. in the Industrial Dispute between the management of the Senior Divisional Manager, LIC of India and their workmen, received by the Central Government on 08-03-2006.

[No L-17012/6/2001-IR (B-II)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated : 8th February, 2006

PRESENT :

A. R. Siddiqui, Presiding Officer

C.R. No. 28/01

I PARTY

Shri Suresh Bhimason Balgaonkar,
No. 2035, Ganpat Burud Galli,
BELGAUM-590 006

II PARTY

The Senior Divisional Manager,
LIC of India, Divisional Office,
Swaroop Plaza, Tilakundi
BELGAUM-590 006

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial disputes Act, 1947 has referred this dispute vide order, No. L-17012/6/2001/IR(B-II) dated 26th April, 2001 for adjudication on the following schedule:

SCHEDULE

“Whether the action of the management of LIC of

India in terminating the services of Shri Suresh Bhimsen Belgaonkar is legal and justified? If not, what relief the concerned workman is entitled to?"

2. The case of the first party workman, as made out in the Claim Statement, in brief, is that he joined the services of the management on 27-10-1998 at Bailangal branch on a monthly wages of Rs. 3499/- and his initial appointment order was for a period of 30 days from 27-10-98 and was extended by issuing orders from time to time till his services were illegally terminated on 28-7-2000. The management terminated his services without following any procedure and without giving any prior notice or making payment of compensation amount as provided under the provisions of Section 25 F of the ID Act and therefore, the termination tantamounts to illegal retrenchment as defined under Section 2(oo) of the ID Act. He contended that while in search of the job he registered himself with the District Employment Exchange, Belgaum and on the basis of the said registration he received interview call from the management vide its letter dated 8-10-98 for the post of Watchman-Cum-Peon on temporary basis. The first party attended the said interview and was selected to the post of Watchman on temporary basis and an appointment letter was issued by the management on 24-10-98. He was given posting at Bailhongal Branch with basic salary of Rs. 1600 exclusive of TA, DA and other allowances. The appointment order was governed by the Life Insurance Corporation of India (Employment of temporary staff) Instructions, 1993 and subject to the pending recruitment of a candidate on regular basis. The first party since was badly in need of the job and unaware of the technicalities and legalities of the terms of the appointment, accepted the same and joined the services. He continued in the service of the management as noted above, till 27-2-2000 by virtue of different appointment letters issued from time to time fixing a period of 30 days in each appointment letter, however, his services were terminated in violation of the aforesaid provisions of ID Act and therefore, termination is liable to be set aside. He contended that there were no allegations or stigma on the service of the first party during the period he served in the management on the other hand the management issued certificate appreciating his extra ordinary work; that before his services were terminated to fill up the post of Watchman on regular basis lists of candidates were called from the Employment Exchange and five more candidates were selected for the said post of Watchman on permanent basis including two candidates from Scheduled Tribe thereby, two from General and one from Ex-serviceman category. Even for this interview first party was called but his case was not considered no reasons were assigned. Therefore, first party being aggrieved by the order of termination raised the dispute before the Assistant Labour Commissioner, Hubli on 7-4-2000 resulting in to the present reference.

3. The case of the management as per the Counter Statement filed by it, on the other hand is that first party was offered appointment purely on temporary basis and

was aware of the nature of tenure of appointment and the terms and conditions of appointment when he accepted the letter of appointment and joined the service as a Watchman giving the consent letter. It contended that the management of LIC of India has formulated the rules and regulations of temporary staff consistent with the guidelines laid down by the Supreme Court of India and accordingly which came into force from 28-6-1993, and as per the aforesaid regulations the first party was appointed initially for a period of 30 days and his service term was extended from time to time till the recruitment of permanent staff. The management was not at liberty to appoint permanent staff basically at any time in violation to the aforesaid regulations. It contended that while filling up the post of Permanent Watchman temporary watchman may compete with all other eligible candidates provided, he satisfied the required conditions in force at the relevant point of time. Therefore, the application of the first party was considered along with other candidates but he was not found eligible in the relaxation of upper age as per the aforesaid instruction, 1993. Therefore, the order terminating his service was proper and legal and hence the first party is not entitled to the relief of reinstatement, back wages etc. as argued for.

4. During the course of trial the management examined the then Administrative Officer as MW1 and got marked the above said Instruction, 1993 as Ex. M1 His statement in examination chief is as under :—

"I know the facts of this case. First party was appointed as Temporary Watchman. He was taken first for 30 days. There was clear vacant post we appointed him. He worked one year and 9 months. He was appointed under temporary appointment regulation of 1993 (1993, Regulation are marked as Ex-M1). It is dated 28-6-1993. Ex. M1 were under the direction of Supreme Court. According to M1 if there is more work and when the present staff is on long leave and on adhoc basis temporary appointments are made. We explained the employee about conditions. We have extended period. We informed this to the first party. There is no permission to confirm first party. It is the order itself."

5. In his cross examination MW1 admitted that for one year and nine months there was no break in the service of the first party. He admitted that his name was sponsored through employment exchange and his monthly salary included HRA, D.A. Allowances and he was being paid bonus during the service. He admitted that there was no notice issued to the first party nor compensation was paid before he was refused work.

6. On his part the first party himself examined as WW1 and got marked three documents at Ex. W1 to W3. his statement in examination chief is as follows :

"On 27-10-1998 I was appointed as watchman with the Second Party. My name was sponsored by the employment exchange as per Ex. W1. Ex. M2 is my appointment order. I worked up to 27-7-2000

with the second Party at Bailangal branch without break at all. Ex- W3 is my pay slip. Ex. W4 is certificate. No notice was given to me before refusing work. No enquiry was conducted. No compensation was paid to me. I have continuously worked with the second party."

7. There was no cross examination to WW1 despite the sufficient opportunity given to the management.

8. Learned Representative, Mr. MRR for the first party and learned counsel for the management have submitted their written arguments. In his arguments learned representative while repeating the averments made in the Claim Statement has also referred and discussed the statement of MW1 before this tribunal. He contended that as per the very admission of MW1, mandatory provision of ID Act have not been followed by the management prior to the termination of the first party and therefore, termination order amounts to illegal retrenchment and is liable to be set aside. In support of his arguments learned representative cited a decision reported in AIR 1986 SC 1680=1986 Lab IC in S. Govindappa Vs. KSRTC and another. Whereas, learned counsel for the management in his argument submitted that services of the first party have been terminated in terms of the appointment order made known to the first party well in advance and his contention that he was not aware of the terms and conditions of the appointment and rules and regulations of the services to be followed by the management is, baseless. However, it was admitted in the written argument that the first party was taken in service on temporary basis and on a condition that he will be removed from service on the recruitment of a permanent employee by the management as provided under the aforesaid Rules and Regulations and Instructions, 1993. The facts undisputed are that the name of the first party was sponsored through the Employment Exchange and after due interview the management selected the first party as a temporary Watchman/Peon vide appointment letter dated 24-10-1998 marked before this tribunal at Ex. W2. It is not again in dispute and evident from the pay slip at Ex. W3 that the first party was being paid a total salary of Rs. 3474 on monthly basis. It is again not in dispute by the management that the first party's initial appointment was for a period of 30 days and his services came to be extended from time to time by issuance of appointment letters fixing the period of 30 days in each appointment letter till his services came to be terminated on 28-7-2000. Therefore, the fact that the first party was in the service of the management right from November 1999 (read Ex. W3) till his services came to be terminated by order dated 28-7-2000 is very much admitted by the management. As noted above, the management witness in his cross examination also in no uncertain terms admitted that for one year and nine months there was no break of service of the first party. In the face of the above said admissions by the management it goes without saying that the first party has worked continuously for a period of 240 days and more and

thereby has fulfilled the requirements of Section 25B of the ID Act. Now therefore, the question arises as to whether the action of the management in terminating the services of the first party can be justified in not complying the provisions of ID Act on the ground that his services have been terminated in the light of the terms and conditions of appointment order and the aforesaid Life Insurance Corporation of India (Employment of Temporary Staff Instruction), 1993. Assuming for a moment that as per the terms of the appointment order and in light of the aforesaid Instructions, 1993, the services of the first party were liable to be terminated, in my opinion the management could not have terminated his services in disregard to the provisions of Section 25F of the ID Act.

9. As noted above, the first party worked under the management continuously for a period of 240 days and more immediately prior to his termination and therefore, he having fulfilled the requirement of Section 25 B of the ID Act, the action of the management in terminating his services without the compliance of Section 25F of the ID Act tantamounts to illegal retrenchment, so to say, illegal termination. Moreover, even if the aforesaid Instructions, 1993 and the terms of the appointment provided for termination of the first party as and when the permanent staff is appointed to his place, his services could not have been terminated without affording an opportunity of hearing. It is now well settled principle of law by the various decisions of their Lordship of Supreme Court that even if the certified standing order of the management company provide for automatic termination of service of the workman concerned, principles of natural justice required that the workman concerned should be given opportunity of hearing before he is sacked. In the instant case in the very words of MW1 there was no notice issued to the party before terminating his services. It is also not the case of the management that he was given any opportunity of hearing while terminating his services. The fact that management did not comply with the provisions of Section 25F of the ID Act is again not to be disputed by the management. Therefore, in the light of the above, the only conclusion to be drawn by this tribunal would be that action of the management in terminating the services of the first party is illegal and void ab initio.

10. Now coming to the question of reinstatement, it is not disputed and cannot be disputed that the first party was selected as a temporary Watchman/Peon and as per the terms of the appointment order his appointment was subject to the recruitment of permanent staff. It is the case of the management that he has been relieved from service as there was no selection of permanent staff to the place of the first party by following a proper procedure and by selecting the eligible candidates. The case of the management that while selecting the permanent staff, names were called for from the Employment Exchange including the name of the first party and that first party was not found suitable for the job of permanent Watchman due to the

age bar is yet to be denied by the first party. It is not his case that he was eligible for the post of permanent Watchman/Peon and had fulfilled all the required conditions including the age prescribed. Therefore, first party not being selected for the said job by the management and in view of the fact that his appointment was on temporary basis, it will not be a case fit for asking the management to take back the first party into the service of the Watchman which post of Watchman has already been filled up.

11. Now, the next question arises as to what relief the first party should be granted under the facts and circumstances of the case. The first party has been removed from service by order dated 28-7-2000 and as on today a period of more than 6 years has already been elapsed, he was getting a monthly salary of Rs. 3000 and odd as seen above, when he joined the services of the management.

12. Now a question to be considered would be as to what amount of back wages should be paid to the first party having regard to his salary received from the management and keeping in view the period elapsed from the date of his termination till today. The management did not produce any evidence before this tribunal to speak to the fact that the first party has been gainfully employed during the period he was away from its services. At the same time, the first party also did not come forward with the statement that he has not been gainfully employed when he was out of the service of the management. Therefore, keeping in view the aforesaid factors and so also taking into account the other service benefits and compensation amount contemplated under Section 25 F of the ID Act, it appears to me that ends of justice will be met if a compensation of Rs. 1 lakh is paid to the first party towards the full and final settlement against the management. Accordingly reference is answered and following award is passed.

AWARD

The management is directed to pay a sum of Rs. One lakh to the first party as a compensation amount for his and final settlement claim against the management. The amount shall be paid within a period of six months from the date of publication of this award or else it must carry an interest at the rate of 9% per annum till the amount is realised. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 8th February, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 10 मार्च, 2006

का. आ. 1380.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 16/2003)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-3-2006 को प्राप्त हुआ था।

[सं. एल-12011/62/2002-आई आर (बी-II)]

सी गंगाधरण, अवर सचिव

New Delhi, the 10th March, 2006

S.O. 1380.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 9-3-2006.

[No. L-12011/62/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

Case No. CGIT-16/2003

Reference No. L-12011/62/2002-(IR(B-II))

The President,
Association of PNB Employees,
Rajasthan. Aacharyao-ki-Haveli, Kishanpole Bazar,
Jaipur (Raj.)

..... Applicant-Association

Versus

The Zonal Manager,
Punjab National Bank,
Zonal Office, 2-Nehru Place,
Tonk Road, Jaipur (Raj.)

..... Non-applicant

PRESENT :

Presiding Officer : Sh. R. C. Sharma
For the applicant : Sh. R. C. Jain
For the non-applicant : Sh. Rajendra Arora.
Date of award : 28-2-2006

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-section 1 & 2(A) to Section 10 of the Industrial Dispute Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :—

"Whether the action of the management of Punjab National Bank in dismissing the services of Shri Khem Chand, Peon w.e.f. 22-6-1998 is legal and justified? If not, what relief the concerned workman is entitled to and from which date?"

2. The applicant-association has pleaded in its claim statement that the workman Shri Khem Chand was working with the non-applicant bank as a sub-staff (4th class), who was served with a chargesheet dated 20-4-1994 (correct date 25-4-1994) and the disciplinary authority being unsatisfied on his explanation to the charges, initial against him the disciplinary proceedings.

The Regional Manager in agreement with the findings of the Enquiry Officer vide his order dated 22-6-1998 imposed the punishment of dismissal on the workman. Challenging the validity of the impugned punishment order the Association has further averred that the material witnesses have not been produced, that the chargesheet has been issued under the wrong provisions and that the Branch Manager, Januthur being prejudiced had lodged the FIR with P.S. Deeg against the workman and after trial the workman was acquitted by the Judicial Magistrate, Deeg vide his judgement dated 17-12-1996 and, therefore, it is unjustified to punish the workman on the same misconduct. The applicant-association has urged that the dismissal order dated 22-6-1998 be set-aside and all consequential benefits be granted to him.

3. Resisting the claim, the non-applicant in its written counter has averred that on initiating the disciplinary proceedings against the workman vide chargesheet dated 25-4-1994 the disciplinary authority had passed the order of dismissal from service in agreement with the findings of the Enquiry Officer and that the disciplinary proceedings were conducted against the workman in accordance with the Bipartite Settlement. It has denied the prejudices against the workman and have stated that the disciplinary proceedings were conducted on account of his misconduct and that the allegations levelled against him are found to be proved by the Enquiry Officer which are supported by the enquiry record and are justified.

4. On hearing both the parties on the preliminary issue of the fairness of domestic enquiry, this court vide its order dated 12-7-2004 has found the domestic enquiry to be fair and proper.

5. I have heard both the parties on merits of the dispute and have scanned the enquiry record. The objection-wise discussion follows as under :—

Objection No. I

6. The Id. representative for the Association contends that the chargesheet dated 25-4-1994 has been issued under para 19.5(c) & (k) of the BPS, whereas the punishment order has been passed under Section 19.5(j) and it was stated by the disciplinary authority that the provision (k) was wrongly stated in the chargesheet due to typing mistake. But the Id. representative contends that in the final order this provision cannot be changed and no punishment can be passed under this provision. His further submission is that there is no act alleged on the part of the accused to show that the serious loss was caused to the bank and the punishment order deserves to be quashed merely on this ground because the workman was punished for the misconduct under which he was not charged. He has further contended that in the show-cause notice dated 31-3-1998, the provision 19.5(j) was not mentioned and even there is no mention in the chargesheet that the alleged misconduct of the workman was prejudicial to the interest of the bank.

7. Countering these submissions, the Id. representative for the bank contends that in the chargesheet the provisions are mentioned as 19.5(c) and (k), whereas punishment has been inflicted under provision 19.5(j) and the mentioning of provision (k) was simply a typographical mistake, whereas the misconduct under provision (c) was applicable to the acts and the provision (k) was wrongly typed in place of (j). The Id. representative elaborating the point has contended that the workman had abused and misbehaved with the superior and created disorderly scenes in the bank and as such these charges are covered under the clauses (c) and (j), which are major misconducts.

8. I have bestowed my thoughtful consideration to the rival contentions and have carefully perused the judicial pronouncements referred to before me.

9. Precisely, the chargesheet dated 25-4-94 imputes the workman that on 14-5-93 he went to the Januthar branch of the non-applicant bank and put undue pressure on the then Branch Manager K.K Bhandari to disburse the house loan, he abused him and misbehaved him as below :—

“साले” मैनेजर “बहनचोद” बहुत दिन से तंग कर रहा है। भोसड़ी के बाहर निकल आज तेरे हाथ पैर नहीं तोड़े तो मेरा नाम चौधरी नहीं। मैं चैलेंज करता हूँ कि आपसे बिना कोर्टेशन पैसे लेकर जाऊँगा।

He thereby created the disorderly scene in the branch.

10. That the delinquent came again on 17-5-93 in the Januthar branch for the disbursement of his house loan and when he was asked by the Branch Manager to make him available certain documents, he refused him by stating that all these documents can be obtained from the regional office and abused him as below :—

“अब देखना कैसे ऋण वितरण होता है क्लियर कह के करना है, जूते से करना है। मंगल या बुध को देख लेना, पूरी यूनियन की जीप भरकर आ रही है, देखते हैं आप कैसे बच जाते हैं।

—अब आपको पता चलेगा कि क्षेत्रीय प्रबंधक के आदेशों का उल्लंघन कैसे होता है। आपने देखा ही क्या है? मुझे चौधरी खेमचंद कहते हैं।

11. According to the third incident which occurred on 20-5-93, on this date at about 10 a.m. the delinquent came to the branch and while he was asked by the Branch Manager Bhandari to provide him certain letters in accordance with the letter dated 12-5-93 of the regional office, he raised a quarrel with him and used filthy language against him :—

“पूरा क्लियर कर लिया है फिर भी अंचल कार्यालय का अंचल प्रबंधक बन रहा है।

—जूते के बल पर तेरे से लोन करवाऊँगा, देखता हूँ कि तेरे को कौन बचाता है। —तेरे बच्चे गल-गल के मरेंगे।

—जी. एम. (जनरल मैनेजर) एस. एन. गुप्ता को नहीं छोड़ा, उसकी टेबिल तोड़ दी तो तू तो स्केल-2 का अधिकारी है।

—तेरे बाप की बैंक हो गई है।

—तू आज भंडारी साले देख लेना तेरा पूरा भूत अच्छी तरह उतार दूँगा।

—चल अपनी सीट से उठ। मैं कहता हूँ उठ तेरे बाप ने ऐसा मकान नहीं देख होगा.....। तू कौन होता है कहने वाला नक्षे के अनुसार नहीं बना है। उल्लू के पदों उठ.....। नक्शा लेकर चल.....। दस अफसरों ने देख लिया है.....। तेरे को भी देख लेता हूँ।

—जहाँ मर्जी पड़े एफ.आई.आर. करा ले देखते है आज तू सूखा कैसे निकल जाता है।"

12. It further says that on these dates, the delinquent came to the Januthar branch and hurled abuses on the Branch Manager and misbehaved with him, threatened him to kill and put undue pressure to disburse the loan, which were detrimental to the interest of the bank falling under para 19.5(c) and (k) as gross misconduct of the BPS.

13. The provision 19.5 defines the gross misconduct and its sub-clause (c) lays-down that riotous or disorderly or indecent behaviour on the premises of the bank will amount to the gross misconduct. The other provision (j) deals with the gross misconduct in relation to doing any act prejudicial to the interest of the bank or negligence likely to involve the bank in serious loss. Provision (k) says that giving or taking bribe or illegal gratification from a customer or an employee of the bank is also a gross misconduct.

14. In the enquiry report dated 30-8-96, the Enquiry Officer has recorded the finding to the effect that misconduct levelled against the workman are found to be proved. In the show-cause notice dated 31-3-98 there is no specific mention of these provisions. But in the order dated 22-6-98 passed by the Regional Manager, he has categorically dealt with this objection raised on behalf of the Association and has observed that on account of the typographical mistake in the chargesheet the provision 19.5(k) was typed in place of 19.5(j) and has further stated that the charge as mentioned in the chargesheet relates to the misconduct under the provision 19.5(j). Thus, the objection, which was raised for the first time on behalf of the delinquent before the disciplinary authority was meted out by him by stating that it was simply a typographical error. Moreover, from the narration of the aforesaid facts, it is obvious that the article of the charge is covered by the provisions 19.5(c) & (j) and not by the provision 19.5 (k). On these counts, the contention advanced on behalf of the bank that it was a typographical mistake appears to be well-founded and the objection raised on behalf of the Association that once the provision 19.5 (k) has been mentioned, then the punishment under the provision 19.5 (j) cannot be inflicted, is unsustainable.

15. The Id. representative for the Association in support of his submission has relied upon 1989 (59) FLR AP 599, wherein the Hon'ble Court has observed that the mere mention of a wrong provision does not vitiate the proceeding or order and his principle is not applicable to the question of fact, which may be applicable to questions of exercises of power and jurisdiction. It further lays down that if a wrong misconduct is quoted while adverting to a particular set of facts, it is no answer to say that the matter comes within another type of enumerated misconduct.

16. Following this principle in the present case, the contents of the charge, as mentioned in the chargesheet, directly relate to the misconduct under provisions (c) and (j) for which the delinquent was prosecuted and punished, but in place of (j), the provision (k) has been wrongly mentioned. Therefore, mere mention of a wrong provision will not vitiate the proceeding or the impugned punishment order. As such, this judicial pronouncement referred to on behalf of the Association delinquent rather lends support to the contention advanced on behalf of the bank. Adding to it, the Id. representative has also referred to AIR 2005 SC 2090 in support of his submission which says that "in a given case post-decisional hearing can obliterate the procedural deficiency of a predecisional hearing". In view of this observation, the error occurred in the chargesheet by mentioning the provision (k) in place of the provision (j) has been rectified by the disciplinary authority in his order dated 22-6-98 and the objection raised on behalf of the Association on this count cannot be sustained.

Objection No. II

17. The Id. representative for the Association has also contended that in the chargesheet there is no mention that the misconduct was prejudicial to the interest of the bank. As stated earlier, the disciplinary authority, too, has mentioned this fact in his order dated 22-6-98 by observing that the contents of the charge fall under the provision 19.5(j). Further, it is reflected from the allegations levelled against the workman that they are covered by the provision 19.5(j) and the alleged misconduct against the workman was found to be prejudicial to the interest of the bank. Therefore, this submission is bereft of merit and is repelled accordingly.

Objection No. III

18. The Id. representative for the Association has contended that there is no discussion of evidence of any witness by the Enquiry Officer in his enquiry report and the findings of the Enquiry Officer are perverse. The Id. representative has also indicated towards the noting made by the Enquiry Officer in his report that the defence has admitted that on all the three dates the delinquent had gone to the Januthar branch. The Id. representative has contended that this fact is not corroborated from the record and a fact which is not mentioned in the enquiry proceedings, the Enquiry Officer has considered it. Contrary to it, the Id. representative for the bank submits that the Enquiry Officer has given the details as to what has been proved by which management witness and the Enquiry Officer has also mentioned the defence evidence. His submission is that the appreciation of the evidence is recorded by the Enquiry Officer and he has mentioned the misconduct of the workman. On a careful perusal of the enquiry report, it appears that the Enquiry Officer has mentioned the incident of all the three dates, the opportunities given to both the parties during the course of the enquiry and then the evidence, oral and documentary led by both the parties. It is further reflected that on a perusal of the material he has come to a conclusion that the management has endeavoured

to prove the misconduct levelled against the workman by adducing the oral as well as documentary evidence. He has also drawn his conclusion in the charge report and it cannot be presumed that he has not properly applied his mind. The conclusions drawn by the Enquiry Officer are fortified from the record, which are based upon the evidence adduced by both the parties and the conclusions arrived at by him do not warrant any interference. As such, the objection raised on behalf of the Association cannot be accepted and is repelled accordingly.

Objections No. IV

19. The Id. representative for the Association has been contended that the management has not examined the independent witnesses and, therefore, the management has not proved the charge by producing the independent witnesses. The Id. representative for the bank has sought to refute the contention by stating that the management has examined the Branch Manager, Assistant Manager, Cashier-cum-Clerk, Peon and Armed Guard as well as the part-time sweeper in support of its case and the defence could not be able to rebut the allegations levelled against the workman.

20. It is natural that at the time of the alleged occurrence the witnesses, whose presence is natural at the spot, will be termed as the material witnesses and such witnesses have been examined by the management to establish its case. There is nothing on the record to discard their testimony and simply on the ground that no customer could be examined by the management, the whole evidence adduced on behalf of the management cannot be discarded. More so, the delinquent has nowhere pointed out specifically the name of any customer who was present there and as such, there is no substance in the objection raised on behalf of the Association, which being devoid of merit is rejected.

Objection No. V

21. The Id. representative for the Association has also contended that the Enquiry Officer has not stated in his enquiry report as to which misconduct has been found to be proved and no reasons have been shown in the enquiry report. As stated earlier, the Enquiry Officer has depicted the details of the alleged incident in his enquiry report and has also mentioned the evidence relied upon by both the parties. Under the title "Analysis of Enquiry Officer", he has recorded his reasons. So far as the objection that he has not specifically recorded as to which provision covers the misconduct, is concerned, by narrating the whole evidence the Enquiry Officer has arrived at a conclusion that the charges levelled against him are found to be proved. Therefore, the contents of the charge were found proved by the Enquiry Officer which fall under clause 19.5(j) and it has also categorically been pointed out by the disciplinary authority in his order dated 22-6-98. Therefore, the submission advanced on behalf of the Association has no substance and deserves to be rejected.

Objection No. VI

22. The Id. representative for the Association then has contended that the disciplinary authority has also not discussed the evidence. Per contra, the Id. representative for the non-applicant contents that when the disciplinary authority concurs with the findings of the Enquiry Officer, then there is no need of reappraisal of the evidence and it is not mandatory for him, despite it he has mentioned the evidence in his order. On a peep at the order dated 22-6-1998, it is revealed that the disciplinary authority on perusal of the record has noted that the incidents took place on 14-5-1993, 17-5-1993 and 20-5-1993 are found to be proved. It is also further revealed that he has gone through the entire enquiry record prior to passing the impugned order. Therefore, there was a due application of mind by the disciplinary authority while rendering the order under consideration. Accordingly, the submission advanced on behalf of the Association is negated.

Objection No. VI

23. The Id. representative for the Association then has contended that the testimony of the witnesses are contradictory and the facts disclosed by the management are entirely different because the workman had applied for the house loan, which was sanctioned by the regional office, but the Branch Manager did not pass the order and to hide this lapse the allegations of misconduct were made against the workman. Therefore, to prove these allegations, the management ought to have produced the independent witnesses.

24. So far as the examination of the independent witnesses is concerned, it has been discussed in detail under the forgoing paragraphs wherein I have observed that the management has examined the witnesses whose presence was natural at the scene of occurrence.

25. Coming to the objection that the statements of the management are contradictory, the Id. representative for the Association has stated that the evidence of Ram Babu Gupta, KK Bhandari, Kehri Singh, Nathi, Rajesh Mittal, Veer Singh Meena, Harish Kumar Garg are contradictory and no misconduct is proved on their evidence. But the Id. representative for the Association could not be able to point out the major contradictions arising out of the testimony of these witnesses. A mere allegation that the evidence adduced by the management is contradictory is not enough to establish this fact, unless it is shown as to which are the major contradictions emerging out of the management evidence. Therefore, such a vague submission cannot be accepted. So far as the submission of the Association that the Branch Manager was not disbursing the loan despite the fact that it was sanctioned, is concerned, no such evidence could be brought on the record by the delinquent to justify this submission. As such, the submission is devoid of force and is negated.

Objection No. VIII

26. The Id. representative for the Association has also contended that the workman was acquitted on the same charge by the Judicial Magistrate, Deeg by his order dated 17-12-1995 and as such the impugned punishment is not maintainable. The Id. representative has relied upon AIR 1999 SC 1416. The Hon'ble Apex Court in this case has held that when the appellant is acquitted by judicial pronouncement with the finding that the raid and recovery at the residence of the appellant were not proved, it would be unjust to allow the findings recorded at the ex parte departmental proceedings to stand. Apparently, the facts of the referred to decision are easily distinguishable from the present controversy. On the other hand, the Id. representative for the bank has placed his reliance on (2003) 4 SCC 364 and (2004) 3 SC 826.

27. In (2003) 4 SCC 364, the observation made by the Hon'ble Apex Court is conveniently quoted as below :—

“Acquittal in criminal case is not determinative of the commission of misconduct or otherwise, and it is open to the authorities to proceed with the disciplinary proceedings, notwithstanding acquittal in the criminal case. It per se would not entitle the employee to claim immunity from the proceedings. At the most the factum of acquittal may be a circumstance to be considered while awarding punishment. It would depend upon the facts of each case and even that cannot have universal application”.

28. Similarly, in (2004) 3 SC 826, the Hon'ble Supreme Court has expressed its views that the approach in criminal proceedings and the disciplinary proceedings are altogether distinct, the standard of proof, the mood of enquiry and the rules governing the enquiry and trial are conceptually different. In the case of disciplinary enquiry, the technical rules of evidence have no application and doctrine of proof beyond doubt has no application. It further lays down that preponderance of probabilities and some material on record are necessary to arrive at the conclusion as to whether the delinquent has committed the misconduct. These judicial pronouncements add assistance to the submission canvassed on behalf of the bank:

29. In the light of the principles propounded by the Hon'ble Apex Court, the workman is not entitled to be exonerated from the proven misconduct in view of his acquittal by the criminal court. As such, the submission made on behalf of the Association is not tenable and rejected.

Objection No. IX

30. Lastly, the Id. representative for the Association contends that looking to the misconduct of the workman, the punishment of dismissal from service is excessive and cannot be maintained. Contrary to it, the Id. representative for the bank supports the punishment order.

31. The Id. representative for the Association has relied upon 2005 (2) RLR 113, whereas the Id. representative for the bank has referred to the decisions reported in 2003 (3) SCT Punjab & Haryana 111 and 2005 (2) SCT 459.

32. In 2005 (2) RLR 113, the facts are that the workman was postman who was chargesheeted with the allegations that on the given date he entered the Office of the Inspector, Post Office, abused at him and threw down two chairs of the office which fell near the door. The Tribunal observed that the order of compulsory retirement was severe and harsh and it modified the punishment by imposing a punishment of reduction to next lower stage in time-scale of pay for a period three years with cumulative effect.

33. But in the present case, it is obvious from the enquiry record that the delinquent without any provocation had hurled filthy abuses at the Branch Manager on three occasions, which cannot be tolerated by any civilized society. Use of such abusive language against a superior officer, that too on several occasions, in the presence of his subordinates cannot be termed to be an indiscipline calling for lesser punishment in the absence of any extenuating factor. In 2003 (3) SCT Punjab & Haryana 111, the abusive language was used by the workman towards his superior, the punishment of dismissal was imposed upon the workman. In 2005 (2) SCT 459, some of the appellants were charged for certain misconduct of Gheroing some senior officers of the company for long hours and they were dismissed from their services.

34. The workman in the instant case has been held blameworthy on the basis of positive and legal evidence adduced on behalf of the bank and it is found that the workman was shockingly rude towards his superior and his behaviour was so offending that he deserved to be punished. On the overall assessment of the facts and the circumstances emerging in the case and considering the totality of the alleged misconduct, the punishment of dismissal awarded to him cannot be treated to be excessive.

35. For the Foregoing reasons, the submissions advanced on behalf of the Association cannot be maintained, which are bereft of merit and are repealed accordingly.

36. In the result, the reference is answered in the negative against the applicant-association and in favour of the non-applicant bank and it is held that the dismissal order dated 22-6-98 passed against the workman Khem Chand, Peon is legal and justified. The claim of the Association is rejected. An award is passed in these terms accordingly.

37. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 10 मार्च, 2006

का. अ. 1381.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स डाराबशॉ बी. कुरसेटजी सन्स (गुजरात) प्रा. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 5/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-03-2006 को प्राप्त हुआ था।

[सं. एल-37011/17/2002-आई. आर. (एम)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 10th March, 2006

S.O. 1381.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of M/s. Darabshaw B. Cursetjee Sons (Guj.) Pvt. Ltd. and their workmen, which was received by the Central Government on 09-03-2006

[No. L-37011/17/2002-IR(M)]
C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT AHMEDABAD**

PRESENT

Shri B. I. Kazi (B.Sc., L. L. M.), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G. I.T.A.)
No. 531/04

OLD (I.T.C.) No. 05/2003

M/s. Darabshaw B. Cursetjee Sons (Bom) Pvt. Ltd.
The Managing Director,
Darabshaw House, Ballard Pier,
Mumbai-400010

.... First Party

V/s.

Shri N. K. Sharma,
S. D. X. 50 Kutch,
Gandhidham-370201

.... Second Party

APPEARANCES:

First Party : (Absent)

Second Party : S. C. Patel.

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-37011/17/2002-[IR(M)] dated 10-12-2002 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of M/s. D. B. C.'s Sons (Guj.) Pvt. Ltd. Mumbai not to allow on duty after transfer either at Kakinada or at Kandla presuming that he has left the service on his own is justified or legal ? If not, what relief the workman is entitled for and since when ?"

2. The second party was issued a notice to file the statement of claim by this Tribunal on 31-01-03. The date to file the statement of claim was 28-02-2003. The appropriate Government has also directed the second party who raised the dispute to file a statement of claim with relevant documents and list of reliance and witness to the Tribunal within 15 days of the receipt of order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 2 years from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in dispute. Thus the second party has failed to prove that action of the first party. Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of M/s. D. B. C.'s Sons (Guj.) Pvt. Ltd. Mumbai not allowing on duty to Shri N. K. Sharma is just and legal. The workman is not entitled to get any relief. The reference is hereby rejected for want of non-prosecution. No order as to cost.

Date : 22-08-05
Ahmedabad

B. I. KAZI, Presiding Officer

नई दिल्ली, 13 मार्च, 2006

का. अ. 1382.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पैट्रोलियम कॉ. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-I के पंचाट (संदर्भ संख्या 103/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-03-2006 को प्राप्त हुआ था।

[सं. एल-30012/88/96-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 13th March, 2006

S.O. 1382.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 103/97) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Petroleum Co. Ltd. and their workman which was received by the Central Government on 09-03-2006

[No. L-30012/88/96-IR(C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE SHRI SANT SINGH BAL, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI**

I. D. No. 103/97

Shri Ramesh Chand, S/o Shri Vijay Singh,
R/o C-3/16, Kabir Nagar,
Babar Pur Extension,
Shahdara, Delhi-110094. ... Workman

Versus

Chief Finance Manager,
Bharat Petroleum, Corporation Ltd.,
E. C. E. House, 28-A, K. G. Marg,
New Delhi. ... Management

APPEARANCES:

None for workman.

Shri G. D. Maheshwari A/R for the management.

AWARD

1. The Central Government in the Ministry of Labour vide its order No. L-30012(88)/96-IR(C-I) dated 10/14-7-97 has referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of Bharat Petroleum Corporation Ltd., in dismissing Shri Ramesh Chand, Assistant (EDP No. 43/71) w.e.f. 7-3-96 is justified? If not, to what relief is the concerned workman entitled and from what date?”

2. In response to the notice the parties appeared before this court and workman filed claim statement claiming reinstatement with full back wages stating that he is an employee of Bharat Petroleum Corporation Limited and was posted as an Account Assistant in the Imprest Section, ECE House, Connaught Place, New Delhi. He joined service in the year 1989 and confirmed in 1990. He was placed under suspension on 5-8-94 without any reason and not

granted subsistence allowance though he was entitled to the same to the extent of 50% for the first 90 days of suspension and thereafter @ 75% of the wages with other allowances for the remaining period of suspension. He claimed the same by writing letters but of no use and thereafter he preferred this claim. Thereafter he was asked to join duty in the office of the management on daily basis and directed to work/attend the office on daily wages basis and no action was taken and after sometimes on 1-11-94 management filed frivolous complaints before the Central Bureau of Investigation. He was arrested and directed to join departmental enquiry initiated against him on some false charge regarding misappropriation of funds. He was not in a position to defend enquiry for want of funds as he was not paid his subsistence allowance. However he filed proper reply before the enquiry officer. The departmental proceedings was liable to be stayed in view of the Hon'ble Supreme Court order reported in AIR 1988 S. C. page 2118 till the disposal of the criminal case. Even conciliation proceedings resulted into failure and ultimately the management dismissed the services of the claimant workman illegally with mala fide intention vide letter dated 7-2-96. The dismissal order is contrary to the earlier statement reported in order dated 21-12-95. Copy of the enquiry report was also served on him. The enquiry was conducted malafidely and arbitrarily and against the principles of natural justice and against the provision of Section 4(b & c) of the Industrial Employment (Standing Order) Central Rules, 1946, as well as against the principles of natural justice. The enquiry was not conducted and completed within three months. The dismissal order is false, mala fide, unjustified, biased and deserves to be set aside in view of the above stated facts.

3. The case was contested by the management by filing written statement justifying the action of dismissal.

4. Written statement was followed by rejoinder wherein facts mentioned in the claim statement were reiterated to be correct and those mentioned in the written statement were denied and refuted.

5. During the pendency of the proceedings the workman expired on 13-7-93 and his L. Rs were impleaded as parties to the proceedings vide order dated 26-7-99 and his L. Rs Smt. Suresh Bala his wife and Shri Abhimaniu minor son were impleaded as L. Rs and they joined the proceedings and thereafter out of the pleadings following issues were framed:

1. “Whether the disciplinary Enquiry conducted against the workman Shri Ramesh Chand was legal and fair? If not its effect.
2. Whether the findings recorded by the Enquiry Officer and Disciplinary Authority are perverse? If so its effect.
3. As per reference.”

6. Thereafter the matter was fixed for evidence of the workman on issue no. 1 and 2 and none appeared for the workman on subsequent many hearings on 24-3-03, 4-6-03, 4-8-03, 17-11-03, 31-12-03, 4-3-04, 13-5-04, 5-8-04, 26-10-04, 18-1-05, 23-3-05 and 6-6-05. Neither L. Rs. nor anybody on their behalf appeared on these dates. Ultimately the workman was proceeded ex parte vide order dated 6-6-05 and today the case was fixed for ex parte cross examination of the management witness and Shri Pankaj Kumar who has been examined as MW1 has proved his affidavit as Ex. MW1/1.

7. A plea has been raised on behalf of the workman that disciplinary proceedings cannot be initiated or continued pending criminal trial and disciplinary proceedings should not have been initiated and stayed because of the pendency of the criminal trial against him. This plea is of no help in view of the decision of the Supreme Court reported in State of Rajasthan Vs. B. K. Meena and others LLJ Supreme Court, page 136 wherein it was held that the disciplinary proceedings and criminal trial are quite distinct. It was obligation of the workman or his L. Rs. to prove that the action of the department was illegal and unjustified as claimed but he has failed to discharge on obligation to that effect. See the decision reported in State of Rajasthan Vs. B. K. Meena & others wherein it was held that to prove the fairness or otherwise of the enquiry burden lies on the workmen and not on the management. See also Narang Latex and Dispensers Pvt. Ltd. Vs. Mrs. S. V. Suverna and others 1994(68) F. L. R. P. 1028 wherein it was also held that the burden to prove that the action of the department is legal or domestic enquiry conducted against him was not unfair was on the workman. It was obligation of the workman to show that enquiry was unfair and not conducted in accordance with principle of natural justice. Also see the decision reported in Hindustan Petroleum Corporation Ltd. Vs. Sarvesh Berry, LLJ 2005 February, page 588.

8. No evidence has been produced on behalf of the L. Rs. of the deceased workman that the enquiry conducted was unfair or that he was not given any opportunity to defend himself. However, on the other hand management witness deposed in his affidavit that the enquiry conducted against the workman but he did not appear despite notice during the enquiry to defend himself and the enquiry was conducted fairly and the enquiry proceedings were held ex parte and the enquiry proceedings were conducted in accordance with the principle of natural justice. The deposition of MW1 has gone un rebutted in the absence of any material on record to the contrary. I have no reason to disbelieve the same and in view of his deposition I hold that the enquiry was conducted in accordance with the principles of natural justice as he was given opportunity to defend himself and the proceedings did not suffer from any illegality. Hence the action of the management in terminating the services of the workman is legal and

justified. Therefore, award is passed in favour of the management. File be consigned to record room.

Date: 22-2-2006

SANT SINGH BAL, Presiding Officer

नई दिल्ली, 14 मार्च, 2006

का. आ. 1383.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑयल एण्ड नैचुरल गैस कमीशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-I के पंचाट (संदर्भ संख्या 159/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-06 को प्राप्त हुआ था।

[सं. एल-30012/68/97-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 14th March, 2006

S.O. 1383.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 159/98) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oil and Natural Gas Commission and their workmen, which was received by the Central Government on 01-03-2006

[No. L-30012/68/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Shri S. S. Bal, Presiding Officer.

L. D. No. 159/98

In the matter of dispute between :

Shri Dilip Kumar, Ex-contingent Employee,
S/o Shri Manakmani Lal,
R/o S. B. C-83, Yamuna Colony,
Dehradun (U. P.)

... Workman

Versus

Oil and Natural Gas Commission,
Tel Bhavan, Dehradun,
Through its General Manager ... Management

APPEARANCES:

None for the workman.

Ms. Poonam Dass for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-30012/68/97-IR(Coal-I) dated 30-06-98 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of O. N. G. C., Dehradun in terminating the services of Sh. Dilip Kumar, Ex-contingent employee, w.e.f. 1-3-87 is just, fair and legal ? If not, what relief is the workman entitled and from which date ?"

2. The workman filed claim-statement claiming that he was employed on contingent basis in Operation Business Group and Exploration Business Group of Oil and Natural Gas Commission, Dehradun w.e.f. April, 86 to February, 87. That his services have been terminated illegally while his Juniors namely S/Shri S. S. Negi, Anusuya Prasad, Gopal Singh, P. C. Saklani, Keshwanand Nautiyal, Sher Singh and others who are employed much later than the applicant have been retained in service. That the termination of the services of the application is ab initio, illegal, arbitrary and against the provisions of Article 21 of the Constitution of India. He has prayed for reinstatement with full back wages.

3. The Management filed written statement stating that the workman was engaged contingent basis by the management. That his engagement was purely of seasonal nature requisitioned on account of exigencies of work. That the workman was working with the contractor from September, 1985 to March, 1986 who was providing certain service to O. N. G. C. under the contract duly entered after following the prescribed procedure.

4. On merits it is stated that the petitioner/workman was employed on contingent basis in Operation Business Group Department of O. N. G. C. from April, 1986 to June, 1986. It is alleged that petitioner is attempting to confuse the issue by claiming seniority which is neither applicable in the instant case nor required as per law. The services of the petitioner were engaged for a limited period and was of seasonal nature. The management of O. N. G. C. has its own recruitment rules and all recruitment are done accordingly. The workman be put to script proof of the averment made in claim-statement that the petitioner is gainfully employed. Hence the petitioner/workman is not entitled to any relief prayed. The claim deserves to be dismissed with exemplary costs.

5. The workman filed rejoinder wherein contents of written statement were denied and those of claim-statement were reiterated to be correct.

6. Perused of the record shows that Shri Mukesh Jain Advocate A/R for workman last appeared on 21-11-2005 but prior to that for the last three hearings i.e. on 26-5-05, 20-7-05 and 12-9-05 none appeared for the

workman. Neither the workman has appeared nor he has taken any steps for filing affidavit in evidence. It appears that he is not taking interest in prosecution of this case. Hence in these circumstances 'No Dispute Award' is passed. File be consigned to Record Room.

Dated: 13-02-2006

S. S. BAL, Presiding Officer

नई दिल्ली, 14 मार्च, 2006

का. आ. 1384. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. पी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई-1 के पंचाट (संदर्भ संख्या 04/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-06 को प्राप्त हुआ था।

[सं. एल-30012/19/98-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 14th March, 2006

S.O. 1384.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/99) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BPCL and their workmen, which was received by the Central Government on 14-03-2006

[No. L-30012/19/98-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI****PRESENT:**

Presiding Officer : Justice Ghanshyam Dass.

Reference No. CGIT-04 of 1999

PARTIES:

Employers in relation to the management of Bharat Petroleum Corporation Ltd.

AND

Their workmen.

APPEARANCES:

For the Management : Mr. R. S. Pai, Adv.

For the Union : Mr. J. Sawant, Adv.

State : Maharashtra

Mumbai, dated the 17th day of February, 2006

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, Order No. L-30012/19/98/IR(C-I) dated 21-12-1998. The terms of reference given in the schedule are as follows :

“क्या भारत पेट्रोलियम कॉर्पोरेशन के प्रबंधन द्वारा 25-8-94 से श्री किशोर राम भगत की सेवाएं समाप्त किया जाना न्यायोचित है ? यदि नहीं तो वे किस राहत के पात्र हैं ?”

2. The matter relates to the dismissal of the employee Mr. Kishore Ram Bhagat (hereinafter referred to as the workman) of M/s. Bharat Petroleum Corporation Ltd.

3. It is an admitted position that the workman was employed with the Corporation and he was dismissed from service vide order dated 25-8-1994 after holding a domestic enquiry in view of the charge sheet issued to the workman for committing misconduct.

SUB : YOURSELF : CHARGESHEET

It is reported against you that :

On 15-8-91, after the flag hoisting ceremony held on the occasion of Independence Day at Uran LPG bottling plant was over, the employees went to the Canteen for taking refreshments when you entered the workmen's canteen around 10.45 hrs. brandishing a knife in your right hand and walked menacingly towards the workmen who were taking refreshments in the canteen. Shri S. S. Ghude, Dy. Manager, Operations, Shri Mahadeo B. Patil, Assistant and Shri S. P. Ghan, Manager who were present at that time in the canteen stopped you and thereafter Shri Mahadeo B. Patil removed the knife from your hand and handed it over to Shri S. P. Ghan. It is further reported that prior to entering the canteen as mentioned above, you attacked Shri Dayaram Lahu Patil General Operative with a knife outside the club room and inflicted grievous injuries on Shree Dayaram Lahu Patil as a result of which he had to be rushed to the hospital for immediate medical aid.

Carrying a knife and causing/inflicting injuries to a fellow workman within the Corporation's premises tantamounts to grave and serious misconduct, if proved, you are therefore, hereby charged with the following offences :

- (A) Riotous and disorderly behaviour inside the premises of Uran LPG Bottling Plant.
- (B) Committing an act subversive of discipline.

You are required to give your explanation in writing within four days of receipt of this letter, failing which it shall be presumed that you have no explanation to offer.

You have already been suspended pending enquiry from service without salary w.e.f. 16-8-1991 by our letter ref. URN : LPG : CO No. 3 dated 16-8-1991.

4. The workman has challenged the dismissal order on the following grounds :

- (i) The management has not taken the action against the workman in accordance with the standing orders. When the workman was served with a charge sheet, he was not informed as to under provisions of which standing orders he had committed a misconduct. This was not done even at the stage of departmental enquiry. The workman was denied reasonable opportunity of being properly defended.
- (ii) The Sr. LPG Bottling Plant Manager, Uran unauthorisedly placed the workman under suspension, issued the charge sheet to the workman, appointed the Enquiry Officer and taken disciplinary action against the workman.
- (iii) The Chief staff and IR Manager (W. R.) unauthorisedly imposed upon the workman the punishment of dismissal.
- (iv) There was no compliance of provisions of Section 33(2)(b) of the Industrial Disputes Act, 1947.
- (v) The workman was not paid the subsistence allowance at prescribed rates during the period of suspension and during the period of disciplinary proceedings.
- (vi) Enquiry proceedings were held without any authority of law.
- (vii) The disciplinary as well as the appellate authority did not give due weightage to the verdict of the criminal court and did not set aside the disciplinary proceedings based on the charges those were tried in the criminal court.
- (viii) The findings of the enquiry officer were totally perverse.
- (ix) The principles of natural justice were not followed while conducting disciplinary proceedings against the workman.
- (x) The management indulged in unfair labour practices within the meaning of item 5(a)(b)(c)(d)(f)(g) and 13 of the fifth schedule to the Industrial Disputes Act, 1947.

5. The Corporation through its Management filed the written statement whereby all the allegations and pleas raised by the workman have been denied specifically. Their main contention is that after holding a domestic enquiry the punishment of dismissal was awarded to the workman by a Competent Authority and an Approval application under Section 33(2)(b) of the Industrial Dispute Act (hereinafter referred to as the Act) was moved before the Tribunal CGIT-2 vide Application No. 5 of 1994. In that Approval application, the Tribunal had passed order on 21-6-1996 whereby the domestic enquiry was held to be against the principle of natural justice and the Corporation was allowed to lead evidence to justify the action. Thereafter, the Corporation led the evidence and the matter was contested by the workman throughout. All the pleas raised hereinafter before this Tribunal in the instant reference had been earlier raised while contesting the Approval application and the Tribunal after considering all the pleas at length held the action of the Corporation in dismissing the workman to be justified and thereby approved the Approval application. It is submitted that this Tribunal should not enter into the pleas again and conclude that the instant reference is barred by the principle of res judicata and that the workman may not be held entitled to any relief.

6. The following points as suggested by the workman's counsel arise for consideration :

- (i) Whether the Sr. L. P. G. Bottling Plant Manager, Uran was competent and statutory authority to issue charge sheet dated 30-8-1991 to the workman?
- (ii) Whether the General Manager (Western Region) was competent and statutory authority to dismiss the workman by his order dated 27-7-1994?
- (iii) Whether the domestic enquiry conducted against the workman in absence of any Standing orders is fair and proper?
- (iv) Whether the findings of the Enquiry Officer are perverse?
- (v) Whether action of the management of BPCL in terminating services of the workman with effect from 25-8-1994 is legal and justified?
- (vi) To what relief the workman is entitled?

EVIDENCE:

7. The workman has filed the affidavit of Satish Kumar being the General Secretary of Petroleum Employee's Union on behalf of the workman in lieu of examination in chief and he has been cross examined by the learned counsel for the Corporation. No oral evidence has been led by the Corporation in this reference. The Corporation has filed the documents consisting of enquiry proceedings,

Enquiry Officer's report, Letter asking for Shri K. R. Bhagat's representation on the Enquiry Officer's report, Shri K. R. Bhagat's representation, GM's order of dismissal, Shri K. R. Bhagat's mercy application dated 22-2-1996 for reinstatement to the C&MD, C&MD's order in reply to the mercy application. Judgement dated 6-3-1997 of the Hon'ble Presiding Officer of CGIT-2 in the Approval application No. 2/5 of 1994. Judgement Part I dated 21-6-1996 of the Hon'ble Presiding Officer of CGIT-2 in the Approval application No. 2/5 of 1994, and Manual of Authorities of the Corporation dated 15-12-1987 to issue suspension orders/charge sheets to the workman employed at Uran LPG Plant.

FINDINGS:

8. I have heard the learned counsel for the parties and gone through the entire evidence available on record and the rulings cited by the parties therein.

9. Issue No. 1 to 4 : At the very outset, the learned counsel for the Corporation placed before me a judgement of Hon'ble High Court of Calcutta in between General Elec. Coy. of India and Fifth Industrial Tribunal of West Bengal and Others reported in 1986 II LLJ, decided on 28-5-1985 and submitted that the Hon'ble High Court has held that the decision given by a Competent Labour Court would operate as a bar in the trial of the same issue in the subsequent proceedings for constructive res judicata. So far as the validity of the domestic enquiry is concerned, the findings ought to be treated as conclusive and have a binding effect in subsequent proceedings.

10. The learned counsel for the workman placed before me the following rulings : (i) M/s. G. McKenzie & Co. Ltd. v. Its workmen and other AIR 1959 SC 389 (Para 16). (ii) Cholan Roadways Corporation Ltd. v. Industrial Tribunal, Madras 1994 I CLR 346. H. C. Madras (Para 10) and (iii) Hindustan Aeronautics Ltd. v. Additional Industrial Tribunal-cum-Labour Court, Hyderabad 2005 III CLR 316 H. C. A. P. (para 7 to 10) and submitted that earlier proceedings cannot create a bar by way of res judicata to the present proceedings under the reference.

11. After going through the aforesaid rulings it appears that the views expressed by different High Courts are somewhat divergent. However, the law is clear on the point that the matter once decided after contest must be taken to be a final adjudication in between the same parties in subsequent proceedings otherwise there would be no end to the litigation. It may also be observed that the principle of res judicata are not directly applicable to the proceedings before the Labour Court but it has to be kept in mind while considering the matter as to the scope of the jurisdiction of Labour Court for deciding the matter. This much is a clear law that the proceedings under Section 33(2)(b) and under Section 10 of the Act are two different/

distinct proceedings and the scope of jurisdiction of both the proceedings are being specified therein. The power is also given to the Labour Court under Section 11 of the Act to re-appraise the findings given in a domestic enquiry and arrive at its own conclusion while affirming or modifying or refusing to justify the action of the Employer. The facts of each and every case are the guiding factors for deciding a controversy and one cannot go by a blanket law while answering a particular query.

12. The scope of Section 33(2)(b) is either to approve or to refuse the action of the Employer regarding dismissal or otherwise. It does not decide the Industrial dispute there. The liberty is always there to the workman to raise the Industrial Dispute and the Central Government is empowered to make a reference to the Labour Court for decision.

13. In the instant case, the peculiar facts are to be kept in mind while answering the aforesaid four issues. The peculiarity of this case is that this Approval application was moved by the Corporation under Section 33(2)(b) of the Act and it was duly contested by the workman. It is to be noted that the Presiding Officer of the Tribunal found that the domestic enquiry was against the principle of natural justice. Thereafter, Management was given an opportunity to lead the evidence to prove the charges. After this, the Management led the evidence, parties were being heard, all the pleas which have been raised before this Tribunal while challenging the action of Corporation had been taken up specifically and each of them had been answered by the Tribunal against the workman on merits. These findings should not be as a matter of propriety and abundant caution, upset at this juncture in the instant reference although the proceedings of the instant reference are distinct from the proceedings of Section 33(2)(b) of the Act. The reference is not to be rejected outrightly but the findings of Tribunal while deciding the Approval application after full contest, on merits, have a binding effect upon the parties under this reference. The facts are similar. Hence I feel that the findings given out in the Approval application No. 05 of 1994 are to be treated as having a binding effect. Now I take up the matter from a different angle. If findings are not having the binding effect, the Tribunal is required to re-appraise the record and give its findings. The conclusion is the same. The statement of the Union Leader through whom the Industrial dispute is being raised is not sufficient to rebut the charges levelled against the workman. The workman has not filed his own affidavit to rebut the charges. The charge against the workman is there to brandish a knife and inflict injury thereby to the fellow senior namely Shri Dayaram Lahu Patil in the official premises, which by itself depicts the gravity of the charge.

14. I have gone through the entire evidence available on record consisting of the enquiry proceedings and the Enquiry Officer's report. I feel that the charges levelled

against the workman are duly proved on record and the enquiry proceedings are not vitiated. The charge sheet was issued by a Competent Authority under the delegated power and the action of dismissal was taken by the Competent Authority, General Manager (Western Region). The enquiry was not in violation to the Standing orders. The findings of the Enquiry Officer are not perverse. The Issues are accordingly answered.

15. Issue Nos. 5 & 6 : In view of my aforesaid findings and keeping in mind the facts and circumstances of the present case, the punishment of dismissal cannot be said to be shockingly disproportionate to the charge of misconduct. The action of the Management of the Corporation appears to be in accordance with law. It is held to be legal and justified. The workman is not entitled to any relief.

16. The Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 14 मार्च, 2006

का. आ. 1385.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 135/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-03-2006 को प्राप्त हुआ था।

[सं. एल-12011/24/2001-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 14th March, 2006

S.O. 1385.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 135/2001) of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Kshetriya Gramin Bank and their workmen, which was received by the Central Government on 13-03-2006

[No. L-12011/24/2001-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla, Presiding Officer

I. D. No. 135/2001

Ref. No. L-12011/24/2001/IR(B-I) Dt. 16-8-2001

BETWEEN

The General Secretary,
Allahabad Regional Rural Bank,
Employees Union Office,
310, Bahadurganj, Allahabad (U. P.)

AND

The Chairman,
Allahabad Kshetriya Gramin Bank,
H. O. 84/65, Bai Ka Bagh,
Allahabad (U. P.)-211003

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow :

"Whether the action of the management of Allahabad Kshetriya Gramin Bank, Allahabad in not implementing promotion policy is justified ? If not what relief the workmen are entitled ?"

The trade union's case in brief is that the workmen of the Bank are governed by statutory rules for R. R. B. Staff Recruitment and Promotion 1998 which became effective from 29-7-1998. As per rules the various posts are to be filled by promotion in proportion. As regards posts of officers scale I of group 'A', 50% of the existing vacancies are to be filled by promotion from eligible candidates of group 'B'. The management of Bank is not implementing the above principle of promotion and filling the existing vacancies in group 'B' and scale I officer of Group 'A' in spite of demand notice. There are 75 existing vacancies in group 'B' and 50 existing vacancies in group 'A' scale I officer, in various branches of the bank. The opposite party is not filling up the vacant posts by promotion. It has therefore been prayed that the opposite party may be directed to fill the vacancies in group 'B' and 'A' by implementing the promotion policy as contained in 3rd schedule of R. R. B. Rules 1998 within specified time.

Opposite party has filed written statement. The management of bank has denied that the R. R. B. appointment and promotion Rules became effective from 29-7-98. The Board of Directors of the opposite party had adopted these rules on 3-8-99. Thus, these rules became effective from 3-8-99, as far as opposite party bank is concerned. Subsequently on 8-8-01 the bank framed Allahabad Kshetriya Gramin Bank (Officers and Employees) Service Regulations 2001 which were made effective from 30-8-01. The opposite party bank has been sponsored by Bank of Baroda, and, as such, is governed by direction and policy decisions of the Bank of Baroda. Earlier NABARD had placed total ban on promotion by issuing direction dt. 19-9-98. The opposite party bank also issued similar instructions by letter dt. 15-10-98. In view of the above instructions, the opposite party bank did not undertake

the exercise of promotion according to the rules of 1998 which is the basis of claim of the claimant union. In this way, the opposite party bank was justified in not implementing promotion policy because of aforesaid bar imposed by the sponsoring bank. The sponsoring bank vide their instructions dt. 12-9-01 made same modifications in their policy of total ban on promotion. The opposite party bank like other Gramin Bank were allowed to make promotion in service according to rules where it was considered that the work of bank would suffer for want of sufficient strength of the staff and officers. The strength of each gramian bank was to be calculated in the following manner;

Sl. No.	Business Volume	Officers	Clerks	Sub Staff	Total
1.	Average Business less than 2 crs.	1	1	1	3
2.	Average Business above 2 crs. and below 12.50 crores	1	2	1	4
3.	Average Business above 12.50 crs.	2	2	1	5

After the vacancies are identified in the manner, the same is to be referred to sponsoring bank by the Board of the concerned Gramin Bank for their approval. After receiving the new guidelines from sponsor bank vide circular dt. 12-9-01, the exercise of identification/assessment of vacancies, is in process. It is further submitted that after considering the work of various branches is of the view that the work will not suffer. Hence, no occasion for the opposite party bank has arisen for implementing promotion policy for conducting promotions in the cadre under reference. In the garb of instant reference, the union can not force the opposite party to implement the promotion policy and thereby defy instructions and in view of what has been said above, the claimant union is not entitled to any relief.

The trade union had filed the application that after examination of all documents etc. the union has decided not lead oral evidence in this case and Industrial Dispute may be decided on the basis of the documents present on record.

The opposite party has also not produced any oral evidence in this case.

On the date of argument i.e. 5-3-04 the opposite party sought adjournment and therefore 25-5-04 was fixed for argument. On 25-5-04 the worker sought adjournment and therefore 7-7-04 was fixed for argument. Thereafter the trade union remained absent on 7-7-04, 28-9-04, 6-12-04, 3-3-05, 27-6-05 and 24-10-05. On 24-10-05 the court ordered the opposite party which was represented by the

representative to file written argument and the written arguments was accordingly filed on 6-12-05. Copy of the written argument was made available to the trade union representative and 27-01-06 was fixed for argument. The worker's representative also absented on 27-01-06 therefore last opportunity of hearing was provided on 3-3-06. The representative of trade union has not turned up today i.e. 3-3-06 and therefore there is no option to left then to decide the case on the basis of written argument of the opposite party and the documents on record.

The trade union has filed following documents :

1. Government of India, Ministry of Finance (Banking Div.) letter No. 8/(6)/93/RRB dt. 15-6-99.
2. Photocopy of letter of Bank of Baroda refer to GM No. RRB; ABS; PD;P&C; 05 dt. 22-7-99.
3. Photocopy of letter of Rashtriya Krishi and Gramin Vikas Bank of GM addressed to GM of all sponsored bank dt. 5-1-2000.
4. Photocopy of Allahabad Kshetriya Gramin Bank area Jamunapar statement of deposits and advances, Ganga Nagar and Doaba.
5. Photocopy of letter of Sultanpur Kshetriya Gramin Bank No. प्र. क./15/कार्मिक/37/114 dt. 15-10-91.
6. Photocopy of order of High Court in Civil Misc. Petition 101(S/B)/2001(46379/99) Om Prakash Sati Vs. Nainital Almora Kshetriya Gramin Bank & others.
7. The letter of AGM No. प्रका./भवप/93/256 dt. 25-0-01 regarding promotion addressed to Personal Secretary Nagrik Vimanan Mantri.

The opposite party has photocopies of the following documents :

1. Photocopy of letter No. NB : IDD, RRCBD. No. C-185/316 (Gen)-93/94 dt. 8-4-93.
2. Photocopy of letter No. NB : IDD, RRCBD No. C-1573/316 (Gen)/94-95 dt. 17-9-94.
3. Photocopy of letter No. GM : RRBS&ABS : PD : 04/1673 dt. 6-10-98.
4. Photocopy of letter Ref. No. OPZ/24/RRB/517 dated 15-10-98.
5. Photocopy of letter No. GM : RRBS : & ABS : PDC : 05/1424 dt. 22-7-99.
6. Photocopy of letter No. 2500/318(Gen)/99-2000 dt. 5-1-2000.
7. Photocopy of the Gazette of India dt. 29-7-98.

8. Photocopy of the Gazette of India dt. 30-8-01.
9. Photocopy of circular No. GO : PS : RRB : STF : 93/8 dated 12-9-01.
10. Photocopy of letter No. NB : IDD : RRCBD/2155/316(MN) 2001-02 dt. 24-12-01.
11. Photocopy of letter No. NB : IDD : RRCBD/316(MN)/01-02 dt. 5-12-01.
12. Photocopy of letter No. CO : PS : RRB : STF : 94/557 dated 28-03-02.
13. Photocopy of circular No. GO/PS/RRB/STF/83/B dated 12-9-01.
14. Photocopy of letter of NABARD No. 1736 dt. 19-9-98.
15. Photocopy of letter No. 1424 dt. 22-7-99.
16. Photocopy of letter No. 421 dt. 7-9-99.
17. Photocopy of circular No. BCC/PS/RRB/STF/CIR/95/24 dt. 5-3-2003.

According to Bank of Baroda, General Manager (Priority Sector, RRBs & OL) Circular No. GO : PS : RRB : STF : 83/8 dt. 12-9-01. RRB's have been conveyed by the NABARD by their circular dt. 8-4-93 the following instructions in the matter of promotion :

1. No promotion should be effected from subordinate to clerical cadre and from clerical cadre to officer cadre.
2. However promotion could be effected only from officers in scale I to Area Manager/Sr. Manager for filling up of vacancies arising out of the review of categorisation of branches.
3. As a general rule no recruitment shall be made in RRBs even for filling up the vacancies arising out of natural wastage except on compassionate ground.

The said circular also states that Govt. of India reconsidered the issue of ban on promotion imposed during April 1993 in RRBs and vide their circular dated 15-6-99 lifted ban on promotion and directed as follows :

1. RRB can effect promotion in order to ensure that work in RRBs does not suffer for want of sufficient strength of staff/officers in a particular cadre.
2. The vacancies so caused due to promotion as well as natural wastages should be filled up by the redeployment of staff from one branch to another within the same RRBs and from one RRB to another where sponsor bank is the same.
3. However the ban on fresh recruitments of employees would continue.

In the same circular it has been clarified that there is still restriction on filling up the vacancy created due to promotion and natural wastages. It has been reiterated that promotion should be carried out in RRBs only for the purpose of ensuring that work in RRBs does not suffer for want of sufficient strength of staff/officers in a particular cadre. Further it is provided that vacancies caused due to promotion as well as natural wastages should be filled up by the redeployment of staff from one branch to another within the same RRBs and from one RRB to another where sponsor bank is the same.

It is not disputed that recruitment and promotion of the employees of the opposite party bank is to be made through RRB Staff Recruitment and Promotion Rules 1998. It is also admitted that under these rules employees have been classified in group 'A', 'B', 'C'. In group 'A' falls of the officers of the bank, group 'B' comprises of class III employees of the bank, where as group 'C' class IV employees of the bank. It further provides that in existing vacancies staff of group 'C' is to be promoted to group 'B' to the extent of 10% of the existing vacancies, whereas 50% of the vacancies of group 'A' are to be filled by promotion of group 'B'. The trade union has alleged that there are about 75 vacancies existing in group 'B' and 50 vacancies existing in group 'A'. The trade union's case is that opposite party bank is not implementing rules of promotion inspite of existing vacancies, which is breach of provision of above rules. The opposite party bank has alleged that it has been sponsored by the Bank of Baroda and as such it is in the direct control of the Bank of Baroda. In the circumstances the opposite party are bound by the directions of the Bank of Baroda. The opposite party bank has specifically denied that there are any existing vacancies as has been alleged in the claim statement. It has been further alleged by the opposite party bank that NABARD had placed total ban on promotion by issuing direction dt. 19-9-98. Subsequently the sponsored bank also issued similar instructions vide letter dt. 15-10-98. In view of this bank there was no occasion to implement the promotion policy. It has been alleged that letter dt. 12-9-01, sponsored bank had instructed the opposite party bank to give promotions if it was satisfied that the bank work would not suffer for want of sufficient strength of staff. Taking into consideration the strength of staff and amount of business it was found that the bank work would not suffer at all.

On the one hand the worker has not proved by the oral evidence that there exists vacant post in the bank on which promotion is needed on the other hand the opposite party bank has come out with the argument that there was no vacancy.

It is noteworthy that the opposite party has not produced any evidence in support of their allegations that vacancy exists in the bank. At the same time he argued that

burden was on the trade union to prove that there exists the vacancy which is to be filled by the promotion.

The trade union has filed the deposits and advances of Jamunapar and Doaba, Gangapar to persuade the court to believe that there exists vacancies which are paper no. 4/5 to 4/7. Another set of deposits and advances paper no. 4/8 to 4/10. Document 4/8 to 4/10 have not been admitted by the opposite party. Learned representative of the opposite party has argued that even if there are vacancies, the said vacancy can not be filled up by promotion unless work suffers. Previously there was total ban on promotion but subsequently Bank of Baroda has relaxed promotion on the post which if not filled up will adversely effect, the banking business of Kshetriya Gramin Bank.

It is also argued by the representative of the opposite party that there are surpluses man power in the Gramin banks and the scheme has been circulated to redeployed surpluses at the adequate place and if the exigencies demand the post should be filled up by transfer or on deputation. In the circumstances none of employees are entitled to the promotion as claimed by the trade union.

In totality on evidence on record I come to the conclusion that there was total ban on promotion. Subsequently it was relaxed as discussed above. The trade union has failed to prove that there vacancies which if not filled will adversely effect the business of the bank. In the circumstances there is no question of promotion at present. The learned representative of the opposite party argue that it is not fact that Kshetriya Gramin Bank Allahabad is not implementing the promotion policy. It is only because of non availability of posts and imposition of ban on promotion by the sponsored bank which is hurdle in implementing of the promotion policy and I also come to the conclusion that workmen of the trade union is not entitled to any relief for the time being till restriction imposed.

Lucknow
7-3-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 14 मार्च, 2006

का.आ. 1386.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लार्सन एण्ड टूब्रो लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 7/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-2006 को प्राप्त हुआ था।

[सं. एल-42012/185/2003-आई. अर. (सीएम-II)]
अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 14th March, 2006

SCHEDULE

S.O. 1386.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of M/s. Larsen & Toubro Limited and their workmen, which was received by the Central Government on 14-03-2006

[No. L-42012/185/2003-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

Present :

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 31st day of January, 2006

INDUSTRIAL DISPUTE No. 7/2005

BETWEEN

Sri Rajesh Kumar Yadav,
C/o Maka Rama Rao,
Ravulapadu-533238,
Distt. East Godavari

... Petitioner

AND

1. The Regional Manager,
M/s. Larsen & Toubro Limited,
ECC Division, D. No. 6-3-1109/1,
Navabharat Chamber,
Rajbhavan Road,
Hyderabad-8.

2. The Project Manager,
M/s. Larsen & Toubro Limited,
ECC Division, Site Office,
Ravulapalem-533238

... Respondent

APPEARANCES:

For the Petitioner : Nil

For the Respondent : M/s. C. Vijayashekar Reddy
& S. Vijaya Venkatesh,
Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/185/2003-IR (CM. II) dated 28-10-2004 referred the following dispute under section 10(1)(d) of the I. D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Larsen & Toubro Limited and their workman. The reference is,

“Whether the action of the management of M/s. Larsen & Toubro Limited ECC Division, Site Office, Ravulapalem (East Godavari District), Contractor of National Highway Authority of India in terminating the services of Sri Rajesh Kumar Yadav, Driver w.e.f. 28-12-2002 is legal and justified? If not, to what relief is the concerned workman is entitled?”

The reference is numbered in this Tribunal as I. D. No. 7/2005 and notices were issued to the parties.

2. In spite of several adjournments given from 17-3-2005 for filing of claim statement and documents for ten adjournments including 31-1-2006 the petitioner has not turned out with claim statement and documents. Notice sent to the address given in the reference order, returned stating that addressee is not available. Previous notice sent to the same address also returned stating not known. In view of the circumstances Petitioner set ex parte and a ‘Nil’ Award is passed, Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 31st day of January, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 14 मार्च, 2006

का. आ. 1387.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 85/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-2006 को प्राप्त हुआ था।

[सं. एल-42012/209/2001-आई. आर. (सी एम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th March, 2006

S.O. 1387.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 85/2002) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of PWD Zone-IV, NDZ-II, CPWD, and their workmen, which was received by the Central Government on 14-03-2006.

[No. L-42012/209/2001-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

I.D. No. 85/2002

R. N. Rai, Presiding Officer.

In the matter of :—

The General Secretary,
C/o Delhi Labour Union, Agarwal Bhawan,
G. T. Road, Tis Hazari,
Delhi-110054.

Versus

The Engineer-in-Chief,
NDZ-II, CPWD,
Nirman Bhawan
New Delhi.

The Chief Engineer,
PWD Zone-IV,
M.S.O. Building, ITO,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/209/2001 IR (CM-II) Central Government dt. 24-10-2002 has referred the following point for adjudication.

The point runs as under :—

“Whether the action of the Executive Engineer, Mechanical and Workshop Division, Netaji Nagar, C.P.W.D. in terminating the services of Sh. Abdul Gaffar S/o Shri Mohd. Habib, Sr. Mechanic SD-I Division, R.K. Puram, Sh. Saleswar Kamat S/o Sh. Sukhdawla, Asstt. Mechanic, SD-II Division, R.K. Puram and Sh. Jai Chand S/o Mool Chand, Mason-SD-II RR Zone Division VII, Poorvi Marg, Vasant Kunj, New Delhi w.e.f. 30-8-2001 instead of regularizing their services is legal and justified? If not, to what relief they are entitled to?”

The workman applicant has filed claim statement. It has been stated in the claim statement that the

particulars of the services of workman are as hereunder :—

Sl. No.	Name	Place of work	Initial date of Joining	Job
1.	Abdul Gaffar S/o Mohd. Habib	Mechanical Workshop, S.D.-I, Division R. K. Puram, Netaji Nagar, New Delhi.	29-03-1977	Senior Mechanic
2.	Saleswar Kamat S/o Sukhdev Kamat	Mechanical Workshop, SD-II Division R. K. Puram, Netaji Nagar.	26-06-1882	Assistant Mechanic
3.	Jai Chand S/o Mool Chand	SD-II, R.R. Zone, Division-VII, Poorvi Delhi Marg, Vasant Vihar, New Delhi.	12-01-1985	Mason

It has been further stated that the workman aforesaid were being treated as muster roll workers and paid their wages monthly. Each of them have unblemished and uninterrupted record of service to his credit. They were being treated as muster roll employees and were not allowed proper pay scale, facilities and privileges which were enjoyed by regular and permanent employees although their work and working hours are identical to the regular employees of their category.

That the workmen aforesaid were working against regular jobs and as such they were entitled to be treated as a regular and permanent employees and were entitled to be paid their salary in proper pay scale and allowance at par with their regular counterparts on the principles of “Equal Pay for Equal Work”.

That the non-regularization of services of the workman on their respective post from the initial date of their joining into the employment in proper pay scale and allowance, denial of salary at par with their regular counterparts on the principle of “Equal Pay for Equal Work” and termination of their services w.e.f. 30-08-2000 is wholly illegal, bad, unjust and mala fide for the following amongst other reasons.

That the jobs against which the workmen aforesaid were working are of a permanent and regular nature of jobs and are still continuing with the management.

That employing persons on regular nature of jobs and treating them as a monthly paid/muster roll workers and paying them lesser remuneration than those doing the

identical work and the work of same value amounts to unfair labour practices as provided in Section 2 (ra) read with Item No. 10 of Fifth Schedule and read with Section 25T punishable under Section 25U of the Industrial Disputes Act, 1947.

That it is violative of Articles 14, 16 and 39 (d) of the Constitution of India.

That the action of the management amounts to sheer exploitation.

That the management of the Central Public Works Department has framed any rules or regulation nor get it passed by the U.P.S.C. and nor notified in the official Gazette for governing the service conditions of the muster roll/part-time/seasonal workers nor it has any certified Standing Orders, governing service conditions of such workers and, therefore, the Model Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946 are applicable to the workmen and the management.

That the workmen aforesaid have acquired the status of permanent employees from the initial date of their joining into the employment after completing 90 days of continuous employment on their respective jobs as provided in the Model Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946. Even otherwise, the workmen have acquired the status of permanent employees from the initial date of their joining into the employment on regular basis.

That the action of the management in employing the aforesaid workmen as casual or temporary and to continue them as such for years with the object of depriving them of the status and privileges of permanent workmen amounts to unfair labour practice as provided in Section 2 (ra) read with Item No. 10 of the 5th Schedule of the Industrial Disputes Act, 1947.

That it is against the intention of the legislation as contained in Section 4 of the Equal Remuneration Act, 1976.

That it is also against the spirit and intention of legislation as contained in Contract Labour (Regulation & Abolition) Act, 1970 and Rule 25 (v) (a) of the Contract Labour (Regulation & Abolition) (Central) Rules, 1947.

That the workmen aforesaid have been meted out with hostile discrimination as Juniors to them have been regularized in service in proper pay scale and allowance and they have been completely ignore in this matter.

That as provided in Article 39 (d) read with article 14 of the Constitution of India, the principle of equal pay for equal work applies to men and women and is concerned with pay, benefits and holiday etc. If, for example, a woman is employed at an establishment in the U.K. the term of her contract of employment will be deemed to include 'Equality

Clause' if not already included. This will apply where the woman is engaged on like work with man or no work rated as equivalent to that of a man in the same employment.

That the action of the management also amounts to unfair labour practice as provided in Section 2 (ra) read with item No. 5 of the Fifth Schedule of the Industrial Disputes Act, 1947.

That the workman aforesaid have been meted out with hostile discrimination as juniors to them have been retained in service and they have been thrown out of job.

That in case of any misconduct, no memo or charge sheet was served upon the workman and no domestic enquiry was conducted against them. The workman was not afforded any opportunity of being heard. In fact the aforesaid workmen are quite innocent and have not committed any misconduct whatsoever.

That in case of retrenchment, no seniority list was displayed, no notice was given, no notice pay was offered and no service compensation was either offered or paid to the workmen at the time of termination of services.

That, even otherwise, the impugned termination of services is violative of Section 25F, G & H of the Industrial Disputes Act, 1947 read with Rules 76, 77 and 78 of the Industrial Disputes (Central) Rules, 1957.

The Management has filed written statement. In the written statement it has been stated that the management tried its best to regularize their services in lower categories due to workers not having requisite qualification and fulfilling eligibility criteria i.e. passing of trade test after giving a categorical undertaking that they have no objection to their regularization in the lower post and will not claim regularization on the higher post later on. But they did not reply to the same and after giving them due notice, their services were terminated in accordance with Director General (Works), C. P. W. D. orders w.e.f. 30-8-2000.

The management did its best to provide full co-operation to the proceedings.

That the job against which the workmen were working was not of permanent nature and was temporary on the muster roll basis.

The workmen were working on Muster-Roll and were paid accordingly under the rules and the job was not of permanent nature.

The payment of the workman on Muster-Roll was under the rule and there was no violation.

The management took a positive step but all the workmen refused to accept the offer of appointment in lower category, even though they did not have the requisite qualification prescribed under the Recruitment Rules for holding the post on regular basis.

The management has set standard rules duly vetted by competent authorities. Hence there is no violation of any rule.

That there is no need to highlight the formalities of regularization in the Department as they were offered regularization in lower category but they did not agree to accept the offer as such there is no fault of Department.

That the action of the management in employing the workmen to lower category as per their qualification and passing of Departmental test was very positive and cooperative in the interest of the workmen.

That the action of the management was fair and the workmen were given maximum co-operation with offer of appointment for regularization of service in lower category, as they did not possess the requisite qualification as provided in the Recruitment Rules.

The case is not of any retrenchment. The matter was only this that the workmen were working on Muster Roll and offered regularization in lower category as per their qualification to which they did not agree.

That the services of the workmen was terminated under the provisions of I.D. Act after duly serving them the notice to accept appointment in lower category as per their qualification to which they did not agree.

That there is no violation of rule and the termination was made after issuing notice to them under the provisions of the I.D. Act.

That there is no victimization while terminating above workmen. They were duly offered an opportunity to regularize the services in lower category on initial stage under the provisions of C.P.W.D. Manual, Vol. III.

That for unemployment workmen themselves are responsible for not accepting the offer of appointment in lower category according to rules.

It is pointed out that workmen are not entitled for any type of award as the Executive Engineer (E), Mechanical & Workshop Division, Netaji Nagar, New Delhi was absolutely right in terminating the services of workmen after serving them notice under the provisions of I.D. Act and the method of regularizing the services of workmen in lower category was legal & justified. They are not entitled for reinstatement as they themselves are responsible for their termination by not accepting the offer of appointment in lower category.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman applicant that Shri Abdul Gaffar was initially engaged on 29-03-1977 in the mechanical workshop, SD-I Division, R.K. Puram at the post of Sr. Mechanic. Shri Saleswar Kamat was initially engaged at the post of Assistant Mechanic on 26-06-1982 in mechanic workshop, SD-II Division, R.K. Puram. Shri Jai Chand was initially engaged at the post of Mason on 12-01-1985 in SD-II, R.R. Zone Division-VII, Purvi Delhi Marg, Basant Vihar.

It was submitted that these workmen have been treated as muster roll workers and paid their wages monthly. They have good service record to their credit. They have not been paid proper pay scales. They were treated as muster roll employees. Their services have not been regularized. They were engaged against regular jobs so they should be treated as regular and permanent employees. They should be paid their salary in proper pay scale and they should also be paid all the allowances at par with regular counterparts on the principles of equal pay for equal work. The job against which these workmen are engaged is of permanent and regular nature. The management has violated the provision of Section 2(ra) read with item no. 10 of Vth Schedule. The management has acted in violation of Articles 14, 16 and 39D of the Constitution. There is sheer exploitation of these workmen. The service conditions of these workmen are governed by certified standing orders and they should be given equal pay to their counterparts. The management has acted against section 4 of the Equal Remuneration Act, 1976. They have been meted out with hostile discrimination. Juniors being paid proper pay scale and these workmen have not been paid even minimum wages.

It was submitted from the side of the management that the management tried its best to regularize their services in lower categories due to workers not having requisite qualification and fulfilling eligibility criteria i.e. passing of trade test.

It was submitted from the side of the workmen that after taking 23 years continuous and long service the workman Abdul Gaffar was removed. Similarly after 18 years of services the workman Saleswar Kamat was removed in 2000. Shri Jai Chand was removed by the management after 15 years of service. These three workmen have put a long spell of service and their services should not have been terminated by a simple order of Director General (Works). CPWD.

It was submitted from the side of the management that the management offered them to regularize them against lower post in case an undertaking is given by them not to raise the matter further. The workmen did not respond to the offer of the management so their services were terminated.

It was further submitted that the management was willing to regularize them against lower post as the workmen were lacking requisite qualification and eligibility criteria, passing of trade test. The workman who has worked for long 23 years at the post of Sr. Mechanic cannot be compelled to undergo a trade test at the whims and fancies and caprices of the management. It is altogether unwarranted to compel such a workman having a long tenure of service to undergo trade test. It is ludicrous that a workman who has discharged his duties satisfactorily is asked to undergo a trade test after 23 years of service. He has been very well working at the post of Sr. Mechanic and he has done so for long 23 years. Where is the reason in asking him to appear for trade test? His qualification, if any should be considered prior to engaging him at the post of Sr. Mechanic. A man cannot be asked to discharge the duties of Sr. Mechanic in 1977 and he discharges his duties satisfactorily and in the year 2000 he is asked to undergo a trade test. There can be nothing more whimsical. The same is the case with the two other workmen. It has been held by the Apex Court in the matter of Bhagwati Prasad Versus Delhi State Mineral Development that qualifications are to be considered at the time of initial appointment and test should be taken at the time of initial appointment. The requisite qualification should be looked into while initial engagement. The Hon'ble Apex Court has directed to relax qualification in such cases. The Trade Test should have been taken at the time of initial appointment. It appears that the management was bent upon to dispense with the services of these poor workmen so they were offered a lower post. A Clerk cannot be asked to agree to the offer of a Peon in case he has successfully discharged clerical job for a long number of years. The eligibility criteria—trade test and requisite qualification are not to be considered by the management after a lapse of 15-23 years. The Hon'ble Apex Court in 1989 directed to relax qualification and trade test in such circumstances but the management wanted to sit over the judgment of the Hon'ble Apex Court and terminated the services of these poor workmen arbitrarily, illegally and unjustifiably. The respondents are a Government Undertaking and the office holders have no right to square away the money of public undertaking. These workmen are not in service since 2000 and some other would have been engaged. The respondents cannot have the sanction of an Industrial Adjudicator for encroaching upon the valuable right of the workman. The workmen deserve to be regularized from the initial date of their appointment and they deserve to be paid equal to their counterparts from the date of their initial engagement. These un-necessary payments are to be made as the respondents have violated the provisions of the ID Act and the memos of the CPWD itself which is not referred to for the sake of gravity. In such circumstances the erring officials should be compelled to make good loss to the department. Negligence is on the part of the officials of the CPWD and CPWD as a public undertaking should not

suffer for an erroneous and deliberate action of its executive officers. In such circumstances the entire arrears of wages should be paid by the management and the management is at liberty to realize the same from the erring officers so that such mistakes may not be repeated again and again.

In view of the judgment of the Hon'ble Apex Court all the workmen are entitled to be regularized from the date of their initial engagement against the posts mentioned above and they are also entitled to get the entire arrears of wages taking their date of regularization to be the date of initial engagement. The workman deserves to be regularized from the date of their initial engagement against the posts on which they have been working so long.

The reference is replied thus :—

The action of the Executive Engineer, Mechanical and Workshop Division, Netaji Nagar, C.P.W.D. in terminating the services of Sh. Abdul Gaffar S/o Shri Mohd. Habib, Sr. Mechanic SD-I Division, R.K. Puram, Sh. Sateshwar Kamat S/o Sh. Sukhdawla, Asstt. Mechanic, SD-II Division, R.K. Puram and Sh. Jai Chand S/o Mool Chand, Mason SD-II RR Zone Division VII, Poorvi Marg, Vasant Kunj, New Delhi w.e.f. 30-8-2001 is neither legal nor justified. The workmen are entitled to be regularized from the date of their initial engagement with all the consequential benefits within one month from the publication of the award. The management will pay the entire arrears of wages and thereafter the same may be recovered from the erring officers. The workmen are entitled to get Rs. 10,000 (Rs. Ten Thousand) as costs.

Award is given accordingly.

Dated : 07-03-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 14 मार्च, 2006

का. आ. 1388.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट (संदर्भ संख्या 10/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-2006 को प्राप्त हुआ था।

[सं. एल-22012/117/2001-आई. आर. (सी एम-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 14th March, 2006

S.O. 1388.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref 10/2002 of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Mithani Colliery, BM

Group, and their workmen, which was received by the Central Government on 14-03-2006.

[No. L-22012/117/2001-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT

Md. Sarfaraz Khan, Presiding Officer

REFERENCE NO. 10 OF 2002

PARTIES

Agent, Mithani Colliery, BMP Group of ECL, Mithani,
Burdwan

The Chief Organising Secretary, Koyala Mazdoor
Congress, Asansol, Burdwan

REPRESENTATIVE:

For the Management : Sri P. Goswami, Advocate

For the Union (Workman) : Sri R. K. Tripathi, Chief Org.
Secretary, Koyala Mazdoor
Congress, Asansol,
Burdwan

INDUSTRY : COAL STATE : WEST BENGAL

Dated the 01-02-2006

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/117/2001 IR (CM-II) dated 12-04-2002 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Mithani Colliery, under M/s. E.C. Ltd. by not accepting the date of birth of Sri Ramprabesh Chowhan, Mechanical Fitter as 3-10-58 as recorded in the High School Leaving Certificate is legal and justified? If not, to what relief is entitled to?"

Having received the order No. L-22012/117/2001-IR-(CM-II) dated 12-4-2002 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication, a reference case No. 10 of 2002 was registered on 15-5-2002 and accordingly an order to issue notices to the respective parties through the registered post with a direction to appear in the court and file their written

statement in support of their case was passed. In compliance of the said notices Shri P. Goswami, Advocate and Sri R.K. Tripathi, Chief Organising Secretary of the concerned union representing the management and the workman respectively appeared in the court and filed their written statement in support of their claims.

On perusal of the record it transpires that 8-9-05 was the date fixed for evidence of the union and the management was directed to file the copy of the enquiry report. It is further clear from the order sheets of the record that on the subsequent two consecutive dates both the parties left taking any step from their side. A petition dated 26-12-05 duly signed by the workman concerned after serving the copy of the same to the lawyer for the management was filed and it was submitted by the delinquent workman that he does not want to contest the case, so the proceeding may be dropped. In this present prevailing facts and circumstances of the case, the application so filed and the submission of the delinquent workman himself it is needless to keep the record pending any more and accordingly it is hereby

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 14 मार्च, 2006

का. आ. 1389.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट [संदर्भ संख्या 23 टी सी/(96)-121] को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-2006 को प्राप्त हुआ था।

[सं. एल-22012/466/95-आई. आर. (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 14th March, 2006

S.O. 1389.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 23 TC/(96)-121] of the Central Government Industrial Tribunal-cum-Labour Court Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 14-03-2006.

[No. L-22012/466/95-IR (C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL****PRESENT**

Md. Sarfaraz Khan, Presiding Officer

REFERENCE NO. 23 OF 1996**PARTIES**

Agent, Pure Seetalpur Colliery of ECL, Ukhra, Burdwan

*V/s.*The Jt. General Secretary, Colliery Mazdoor Union,
Ukhra, Burdwan**REPRESENTATIVES**

For the Management : Sri P. K. Das, Advocate

For the Union (Workman) : Sri M. Mukherjee,
Advocate**INDUSTRY : COAL STATE : WEST BENGAL**

Dated the 16-02-2006

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/466/95-IR (C-II) dated 22-07-1996 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Pure Seetalpur Colliery, Bankola Area of M/s. ECL, PO : Ukhra, Distt : Burdwan (W.B.) in denial of promotion of Sh. Madhav Chandra Chakraborty, clerk Grade I is justified ? If not, to what relief the concerned workman is entitled to ?"

On having received the order No. L-22012/466/95-IR-(C-II) dated 22-7-96 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 23 of 1996 was registered on 30-7-96 and accordingly an order was passed to issue notices to the respective parties through the registered post with a direction to appear in the court and file their written statements along with the documents if any in support of their claims. In pursuance of the said receipt of the notices Shri P. K. Das, Advocate and Sri M. Mukherjee, Advocate representing the management and the union respectively appeared in the court and filed their written statement as per claims and counter claims.

The perusal of the record goes to reflect that the reference was fixed for hearing. The learned lawyer for the workman submitted that he has no instruction from the

side of his client since long time. so he does not want to represent the union. It was also submitted that the workman or the union is not interested and does not take any initiative or interest. In the prevailing facts and circumstances of the case it is not proper and advisable to keep the record pending any more as there is no any expectation of appearance of the workman to pursue his interest. Accordingly it is hereby

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 14 मार्च, 2006

का. आ. 1390.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कॉर्पोरेशन आफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 78/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-2006 को प्राप्त हुआ था।

[सं. एल-22012/160/एफ./92-आई. आर. (सी-II)]
अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 14th March, 2006

S.O. 1390.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 78/1992) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Food Corporation of India and their workman, which was received by the Central Government on 14-03-2006.

[No. L-22012/160/F/92-IR (C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE SHRI SANT SINGH BAL, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NEW DELHI****I. D. No. 78/92****In the matter of dispute between :**

Shri Subhash Chander Chhabra,
Through General Secretary,
Food Corporation of India,
Executive Employees Union, 2337,
Dharampura, Opp. Chhippiwara,
Chawri Bazar, Delhi-6

.... Workman

Versus

The Zonal Manager,
Food Corporation of India,
Ansal Bhawan, 4th Floor,
K. G. Marg,
New Delhi.

.....Management

AWARD

The Central Govt. in the Ministry of Labour vide its Order No. L-22012/160/F/92-IR-(C-II) dated 31-8-92 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the Regional Manager, Food Corporation of India, New Delhi was justified in not regularising the period of suspension with effect from 19-8-87 to 28-8-90 of Shri S. C. Chhabra, Assistant Grade I (Depot) although acquitted in the Hon’ble Court of Metropolitan Magistrate, New Delhi in RC No. 30/86 resulting heavy monetary loss and non grant of due promotion ? If not, to what relief the workman is entitled to ?”

In this case claim statement, written statement and rejoinder was filed by the parties and case was fixed for evidence of the workman by way of affidavit but he did not adduce any evidence. The workman last appeared in this case on 24-8-2001. He was proceeded ex parte on 21-12-2000. Thereafter management evidence was recorded and the case was posted for argument.

A notice dated 6-7-2004 was issued to the management for appearance on 23-9-04 which was served on the management but none for the management appeared. However vide letter dated 7-6-05 management has informed that the workman has taken voluntary retirement on 31-10-2004 from the respondent Food Corporation of India and nothing is due to the workman.

It is apparent that the workman has not come forward to dispute the reference. Hence a No Dispute Award is accordingly passed. File be consigned to record room.

S. S. BAL, Presiding Officer

Dated : 28-02-2006

नई दिल्ली, 14 मार्च, 2006

का. आ. 1391.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण नं. 1, हैदराबाद के पंचाट (संदर्भ संख्या 17/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई. आर. (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 14th March, 2006

S.O. 1391.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 17/1992) of the Industrial Tribunal-I, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 14-03-2006.

[No. L-22013/1/2006-IR (C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT

M. Radha Kumari,
Chairman, Industrial Tribunal-I, Hyderabad

Dated : 1st day of December, 2005

INDUSTRIAL TRIBUNAL NO. 17 OF 1992

BETWEEN

General Secretary, Adilabad Zilla
Lorry Drivers and Cleaners Union
Bellampally, Adilabad District, A.P.Claimant/Petitioner

AND

The Management of Singareni Collieries Co. Ltd.,
Represented by its Director (PA & W),
Kothagudem, Khammam District, A.P.Respondent

APPEARANCES

None for the Petitioner

Sri. K. Srinivas Murthy,
Advocate for the Respondent

AWARD

The Government of India, Ministry of Labour made this reference to answer the following issues :

“Whether the action of the management of S. C. Co. Ltd., Kothagudem, in not accepting the following demands of the Adilabad Zilla Lorry Drivers & Cleaners Union, Bellampalli, is legal and justified ? If not, to what relief the concerned workmen are entitled to ?”

- Singareni Coal Transport Lorry Drivers and Cleaners should be made permanent in S.C. Co. Ltd.
- Medical Treatment to the families of contract labours, drivers and cleaners in the Singareni Hospital
- Providing housing sites to coal tipper workers.”

(2) After the appearance of both the parties the Petitioner filed his Claim Statement and the averments of the Claim Statement are :

The workers shown in the "Annexure-A" have been working as Drivers and the Workers shown in "Annexure-B" have been working as Cleaners in Loading and Unloading Section of the Respondent. There are number of Mines in various Divisions of Srirampur, Ravindrakhani, Mandamarri, Somagudem, Goleti, Madaram, Bellampalli. There are 5 Coal screening plants. RK-5 Coal screening Plant is for mines of Srirampur division. RK-2 Coal screening plant is for mines of Ravindrakhani Division. KK-5 Coal screening plant is for the mines of Mandamarri Division. KK-1 Coal screening plant is for the mines of Somagudem Division. The Shanthi Khani screening plant Bellampalli is for the mines of Goleti Group, Madaram Group and Bellampalli. That the workmen shown in Annexure A & B are operating the Lorries shown in the Annexures. The lorries are owned by the Private Owners. These lorries operate along with the lorries of the Singareni Collieries Company. These lorries are used for loading of the coal in the mines and Transporting to the Coal screening plant, where the coal is unloaded. The workmen have been working in this section of loading and unloading since many years shown in the annexure. There are workers who have been working since 1986. It is submitted that the loading and unloading are supervised by the quantum of loading, the place of loading and unloading are fixed by the management. That the lorries, which are operated by these workmen are owned by the private owners and the contractors shown in the Annexures are paying the wages to these workmen. These workmen are performing the same or similar duties that are performed by the drivers who were regularly appointed by the company and who are operating the lorries for loading and unloading of the coal along with these workmen. The salary paid for the driver of the company is more than Rs. 2,000 per month whereas the salary paid for the drivers among these workmen is less than Rs. 1,500. That the nature of work performed by these workmen is perennial and part of the establishment. It is submitted that though there is a change in the contractors, the workmen in these Annexures are continued to work. That at the point of unloading at the coal screen plant, the entries are made by the company officials at the point of unloading. The said entries relate to all the lorries of the company and the lorries operated by these workmen. That the Central Government abolished employment of contract labour in the coal loading and unloading by their order dated 21-6-1988. That the State Government abolished contract labour in all the factories and directed to treat them as regular employees and there are other orders of the State Government. That as per the settlement dt. 12-3-1990 it was agreed for the abolition of contract labour which is forth under the terms of settlement and it was also agreed to constitute a committee for the said purpose and all the procedure should be compelled before 1-5-1990. A committee was constituted and the committee submitted a report on 17-5-1990. As per the report no contract labour will be engaged for loading and unloading

and cleaning of belts and picking of shall in CSPS. The Management did not regularize the services of these workmen; therefore, a number of representations were made to the Government. Therefore, these workmen are entitled to be treated as the regular employees of Singareni collieries from the dates of appointment of these workmen and they are entitled for all the arrears of salaries on par with regular employees performing same or similar duties. Under the circumstances, it is prayed that this Tribunal may be pleased to direct the respondent Management to treat the workmen shown in the "Annexures—A & B" as the regular employees from the dates of appointments of these workmen and to pay all the arrears of salaries on par with the regular employees performing the same or similar duties.

(3) The Respondent filed a petition in I.A. 23/1993 in I.D. 17/1992 upon which an Order passed by this Tribunal dated 15-4-1994.

(4) Against the said Award the Petitioner filed a Writ Petition to the Hon'ble High Court of Andhra Pradesh in WP. No. 21848 of 1994. The Hon'ble High Court was pleased to set aside the Award of this Court and the matter is remitted back to this Tribunal for adjudication on merits after giving an opportunity to both the parties within the period of four months from the date of receipt of the copy of the order.

(5) As per Docket Order dated 27-6-2005 the learned Advocate for the Petitioner filed memo reporting no instructions and that the Petitioner was called absent and that the notice returned unserved as per the endorsement and thereby fresh notice was ordered by 14-8-2005. As per the Docket Order dated 25-8-2005 Sri K.S.N. filed continuation Memo for the Respondent. Petitioner called absent. Notice returned unserved as per the endorsement. Issue fresh notice by RP by 28-9-2005. As per the Docket Order dated 28-9-2005 the Petitioner was called absent. RP notice returned unserved with an endorsement left as per the endorsement. Fresh notice was ordered by RPAD by 1-11-2005. As per the Docket Order dated 2-11-2005 Petitioner called absent. Notice returned unserved as per the endorsement. Call on 14-11-2005. As per Docket Order dated 14-11-2005 Petitioner called absent. Respondent present. As the Notice is not being served on the Petitioner and Respondent expressed his inability to furnish the correct particulars of the address of the Petitioner the Respondent is hereby directed to publish in any local paper bearing the expenses by 1-12-2005. As per the Docket Order dated 1-12-2005 Publication filed. Petitioner called absent. Petition is dismissed with costs.

Dictated to the Junior Stenographer, transcribed by him, corrected by me and the seal of this Court on this the 1st day of December 2005.

M. RADHA KUMARI, Chairman, Industrial Tribunal-I

APPENDIX OF EVIDENCE

Nil

नई दिल्ली, 14 मार्च, 2006

का. आ. 1392.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 10/2005, 3/2005, 11/2005, 12/2005, 13/2005 एवं 67/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-2006 को प्राप्त हुआ था।

[सं. एल-22012/6/2004-आई. आर. (सी एम-II)]

[सं. एल-22012/7/2004-आई. आर. (सी एम-II)]

[सं. एल-22012/3/2004-आई. आर. (सी एम-II)]

[सं. एल-22012/1/2004-आई. आर. (सी एम-II)]

[सं. एल-22012/2/2004-आई. आर. (सी एम-II)]

[सं. एल-22012/4/2004-आई. आर. (सी एम-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 14th March, 2006

S.O. 1392.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2005, 3/2005, 11/2005, 12/2005, 13/2005 and 67/2004) of the Central Govt. Indus. Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the industrial dispute between the management of Food Corporation of India, and their workmen, which was received by the Central Government on 14-03-2006.

[No. L-22012/6/2004-IR (CM-II)]

[No. L-22012/7/2004-IR (CM-II)]

[No. L-22012/3/2004-IR (CM-II)]

[No. L-22012/1/2004-IR (CM-II)]

[No. L-22012/2/2004-IR (CM-II)]

[No. L-22012/4/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-10/2005, 3/2005, 11/2005, 12/2005, 13/2005 and 67/2004

Reference No. L-22012/6/2004 IR (CM-II)

Sh. Om Prakash Vs. Food Corporation of India

Reference No. L-22012/7/2004 IR (CM-II)

Sh. Raju Vs. Food Corporation of India

Reference No. L-22012/3/2004 IR (CM-II)

Sh. Manoj Vs. Food Corporation of India

Reference No. L-22012/1/2004 IR (CM-II)

Sh. Pukhraj Vs. Food Corporation of India

Reference No. L-22012/2/2004 IR (CM-II)

Sh. Navratan Vs. Food Corporation of India

Reference No. L-22012/4/2004 IR (CM-II)

Smt. Shanti Devi Vs. Food Corporation of India

PRESENT

Presiding Officer : Sh. R. C. Sharma.

For the Applicant : Sh. Shiv Avtar Singh

For the Non-Applicant : Sh. Ashok Chaturvedi

Date of Award : 13-2-2006

AWARD

1. All these aforementioned five industrial disputes contain the common questions of facts and law, which are being disposed of by this common award with the consent of both the parties.

2. The Central Government in exercise of the powers conferred under Clause 'D' of sub-section 1 to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') has referred these industrial disputes for adjudication to this Tribunal which are reproduced as below separately.

(i) Reference No. L-22012/6/2004 IR (CM-II) reads as below :

"Whether the action of the management of Food Corporation of India, Bikaner in terminating the services of Sh. Omprakash S/o Sh. Ramchandra w.e.f. 10-2-2003 is legal and justified? If not, to what relief the claimant is entitled and from which date?"

(ii) Reference No. L-22012/7/2004 IR (CM-II) reads as below :

"Whether the action of the management of Food Corporation of India, Bikaner in terminating the services of Sh. Raju S/o Sh. Lal Khan w.e.f. 10-2-2003 is legal and justified? If not, to what relief the claimant is entitled and from which date?"

(iii) Reference No. L-22012/3/2004 IR (CM-II) reads as below :

"Whether the action of the management of Food Corporation of India, Bikaner in terminating the services of Sh. Manoj S/o Sh. Poonam Chand w.e.f. 10-2-2003 is legal and justified? If not, to what relief the claimant is entitled and from which date?"

(iv) Reference No. L-22012/1/2004 IR (CM-II) reads as below :

"Whether the action of the management of Food Corporation of India, Bikaner in terminating the services of Sh. Pukhraj S/o Sh. Bhagwana w.e.f. 10-2-2003 is legal and justified? If not, to what

relief the claimant is entitled and from which date ?”

- (v) Reference No. L-22012/2/2004 IR (CM-II) reads as below :

“Whether the action of the management of Food Corporation of India, Bikaner in terminating the services of Sh. Navratan. S/o Sh. Guru Ram w.e.f. 10-2-2003 is legal and justified ? If not, to what relief the claimant is entitled and from which date ?”

- (vi) Reference No. L-22012/4/2004 IR (CM-II) reads as below :

“Whether the action of the management of Food Corporation of India, Bikaner in terminating the services of Smt. Shanti Devi, W/o Sh. Anand Pundit w.e.f. 10-2-2003 is legal and justified ? If not, to what relief the claimant is entitled and from which date ?”

3. Succinctly speaking, the facts giving rise to these six industrial disputes are that all the workmen, viz., Omprakash, Raju, Manoj, Pukhraj, Navratan and Shanti Devi have respectively pleaded in their claim statement that they were employed by the management of Food Corporation of India, Bikaner (for short, the Corporation) as daily wagers at its various depots situated in Bikaner on the distinct dates as shown opposite to their names in the table depicted below containing their particulars of employment, who had continuously worked till 10-2-2003, on which date their services were illegally terminated by the separate oral orders. They have further pleaded that they have completed 240 days of continuous work in the calendar years prior to their termination and their services were terminated in contravention of the provision under Section 25-F of the Act. They have also averred that while terminating their services the junior employees to them, viz., Shivalal and Kalu were retained in the employment who were subsequently made permanent. It has been alleged that they had submitted a representation before the management for regularization of their services and on this count they had to face the ire of the concerned authorities. It is stated that the job performed by them is of the perennial nature and they were also given the bonus every year by the management.

Sr. No.	Name of the workman	Date of Employment	Date of termination
1.	Omprakash	17-6-1993	10-2-2003
2.	Raju	15-5-1994	10-2-2003
3.	Manoj	17-3-1994	10-2-2003
4.	Pukhraj	15-5-1994	10-2-2003
5.	Navratan	17-3-1993	10-2-2003
6.	Shanti Devi	1-7-1994	10-2-2003

4. **Resisting the claims of the workmen**, the non-applicants in their written-counter have averred that there is no relationship of employer and employees between the parties, that as per the Bipartite Settlement a Three Member Committee (for short, TMC) was constituted, which provided the labourers to the Corporation and this system is still continuing in pursuance of the Bipartite Settlement dated 4-7-1995. They have categorically stated that the workmen were never employed by the Corporation and the payment of bonus to the workmen does not indicate any sort of employment of the workmen by the Corporation.

5. In the rejoinder, the workmen have respectively reiterated the facts as narrated in their claim statements and have further specifically pointed out that their attendance was maintained in the attendance registers by the Corporation, that the Manager exercised the direct control over them and that they are not in know of the said Bipartite Settlement.

6. On the pleadings of the parties, the following points for determination were framed :

- I. Whether the workman was employed on 17-6-1993 as a daily wager by the applicant corporation, who has continuously worked more than 240 days with it and whose service was terminated in violation of provision under Section 25-F of the Act ?
- II. Whether at the time of terminating the services of the workman the junior persons to him were retained in violation of provisions under Section 25-G of the Act ?
- III. Relief, if any.

7. In the evidence, the workmen have submitted their affidavits respectively. On behalf of the Corporation, the counter-affidavits of MW-1 Brij Mohan Gupta, Assistant Manager; MW-2 Onkarnal, Assistant Manager and MW-3 RK Gupta, Assistant Manager have been placed on the record. All these witnesses were cross-examined by the respective representative. Both the parties have also sought to lead the documentary evidence.

8. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :

Point No. 1

9. The Id. representative for the workmen contends that the workmen were employed in the year 1993 and 1994, who continuously worked till 9-2-2003, but by an oral order their services were terminated on 10-2-2003. They have continuously worked from 1993/1994 to 2003 in the Bikaner Depot under the Assistant Manager and the job still continues with the depot. Their PF was also deducted by the Corporation and they have completed 240 days of

continuous work in each calendar year, which is proved by the attendance registers from Ex. W-1 to W-88. He has also contended that this fact has also been admitted by the management witnesses and thus, there is no dispute that they had worked more than 240 days in a calendar year. The next contention advanced by the Ld. representative is that so far as the plea of the Corporation that the workmen belonged to TMC, which employed them is concerned, this settlement was entered into in July, 1995 whereas the workmen were doing their jobs w.e.f. the year 1993/1994. Clarifying this position, his submission is that in the year 1993 or 1994, TMC was not constituted and, therefore, this plea cannot be maintained. With regard to the control over the workmen, the Ld. representative submits that the attendance of the workmen were marked by the Assistant Manager of the Corporation and these documents do not contain any reference of the TMC, that the payment of wages made to the workmen by the FCI which is the principal employer and the PF was also deducted by the Corporation as per its rules and the contribution to it was also made by the Corporation. The Ld. representative has further drawn my attention towards the order Ex. W-89 which was issued by the Officer of the Corporation for employing the workmen. The Ld. representative has then contended that for a long period of about 10 years the workmen have worked with the Corporation who were employed by it, paid by it and were controlled by it. He has also assailed that the contention of the Corporation that prior to 1995, the workmen were employed by the contractor is an improved version which is not mentioned in the written statement.

10. Arguing contra, the Ld. representative for the Corporation contends that from the beginning the workmen were not employed by the Corporation, that they do not possess any appointment letter from the Corporation and the contention that the Assistant Manager employed them is not maintainable since he was not authorized to appoint them. His next contention is that the workers had requested the Corporation for abolition of the contractor system and at the national level a Bipartite Settlement was agreed upon whereby the TMC was constituted to which the list of the workers was supplied by the Union and it employed the workers. His submission is that the workmen are not the employees of the Corporation.

11. I bestowed my anxious consideration to the rival contentions.

12. The workmen's case is that they were working under the employment of the Corporation w.e.f. the year 1993-1994 who continuously worked till 9-2-2003 and their services were terminated w.e.f. 10-2-2003. According to their plea, they were engaged by the Assistant Manager of the Corporation, who performed their work under the control and supervision of the Corporation authorities which had also the economic control over them. Contrary to it, the

plea set forth on behalf of the Corporation is that there is no nexus of employer and employees between the contesting parties and the workmen were employed by the TMC, which was constituted pursuant to the BPS Ex. M-1 and they worked under the supervision of the TMC to which the contractual amount was sanctioned by the Corporation and it was disbursed by it amongst the workmen.

13. In 1978 Lab I.C. SC 1264, the Hon'ble Apex Court has observed as below :

"Where a worker or group of workers labour to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the worker's subsistence, skill, and continued employment. If he, for any reason, chokes off, the worker is, virtually, laid off. The presence of intermediate contractors with whom alone the workers have immediate or direct relationship ex contractu is of no consequence when, on lifting the veil or looking at the conspectus of factors governing employment, we discern the naked truth, though draped in different perfect paper management, that the real employer is the Management, nor the immediate contractor."

14. Similarly, in (2004) 1 SCC 126, the Hon'ble Court has laid down that for determination of the employer-employee relationship, the factors to be considered are the control, the integration, viz., the employee has been fully integrated in the employer's concern or is independent of it, the power of appointment and dismissal, the liability to pay remuneration and deduct insurance contributions, liability to supply tools and materials, the nature of mutual obligations and terms and conditions of contract which are to be assessed. The Hon'ble Court has further observed that whether the employer retains control over the means and work to be done by the contractor, the relationship of employer-employee exists.

15. The observation made by the Hon'ble Court in the decision reported in 2004 (101) FLR SC 137 is quoted as below for the sake of convenience :

"Determination of the vexed questions as to whether a contract is a contract of service or contract for service and whether the concerned employees are employees of the contractors has never been an easy task. No decision of this Court has laid down any hard and fast rule nor it is possible to do so. The question in each case has to be answered having regard to the fact involved therein. No single test, be it control test, be it organization or any other test has been held to be the determinative factor for determining the jural relationship of employer and employee."

16. Then the Hon'ble Court has further observed :

"The control test and the organization test, therefore, are not the only factors which can be said to be decisive. With a view to elicit the answer, the Court is required to consider several factors which would have a bearing on the result : (a) who is appointing authority; (b) who is the pay master; (c) who can dismiss; (d) how long alternative service lasts; (e) the extent of control and supervision; (f) the nature of the job, e.g. whether, it is professional or skilled work; (g) nature of establishment; (h) the right to reject."

17. The another decision on the point is the decision rendered by the Hon'ble Supreme Court in the Steel Authority of India's case reported in (2001) 7 SCC 1. The Hon'ble Court has dealt with this issue as to whether on a contractor engaging contract labour in connection with the work entrusted to him by a principal employer, the relationship of master and servant between him, the principal employer and the contract labour emerges. The Hon'ble Court has observed as under :

"Whether a workman is hired in or in connection with the work of an establishment by the principal employer through a contractor, he merely acts as an agent so there will be master-and-servant relationship between the principal employer and the workman. But where a workman is hired in or in connection with the work of an establishment by a contractor, either because he has undertaken to produce a given result for the establishment or because he supplies workmen for any work of the establishment, a question might arise whether the contractor is a mere camouflage as in Jussainbhai case and in Indian Petrochemicals Corpn. Case etc.; If the answer is in the affirmative, the workman will be in fact an employee of the principal employer; but if the answer is in the negative, the workman will be a contract labour."

18. It is in the light of these observations made by the Hon'ble Apex Court that the points in issue under this title are to be analyzed and adjudicated.

19. The pivotal question, therefore, which now crops up for consideration is as to whether the relationship of employer and employees between the Corporation and the workmen existed on account of the privity of the contract pursuant to the BPS Ex. M-1.

20. To strengthen their case, the workmen have examined themselves and have adduced the documentary evidence on the record. Ex. W-1 to Ex. W-34 are the copies of the attendance registers commencing from April 1999 and ending on December 2001, which have been signed by the Assistant Manager of the Corporation, Bikaner. Similarly, Ex. W-35 to W-88 are the working details of the workmen indicating their engagement during the period

from the year 2000 till 31-1-2003. Ex. W-89 is an order issued by the Assistant Manager, Depot of the Corporation at Bikaner which states that the casual labourers Bhaniram, Omprakash and Pukhraj have to perform the security duties on 20-3-2002 from 10 pm to 6 am.

21. The workmen in their affidavits have testified that they were employed by the Assistant Manager of the Corporation, who continuously worked during the period in question. In their cross-examination, they have disclosed that they are continuously working with the Corporation from the year 1993, who were engaged by the Assistant Manager Aswani Kumar. They have admitted that w.e.f. 1-7-1995, they have also did their job till 10-2-2003 and during this period the Assistant Manager Onkarmal used to take work from them. They have categorically stated that he used to assign the duties to each casual worker daily and supervise their work from morning till evening by remaining in the godown. Though they have pleaded ignorance that three Member Committee was constituted on 1-7-1995 consisting Humji, Noor Mohammad and Mula who used to employ them, they have subsequently denied that no such Committee ever assigned the work to them. They have also stated that this Committee did not make any payment of wages to them, but they received their payments from the cashier, before whom they personally used to appear to receive their payments. They have firmly stated that three member Committee had never employed them. Thus, the factors of engagement by the Corporation, supervision by the Corporation authorities over them, the payment of wages to them by the Corporation authorities could not be shattered and they have stood unshaken in their cross-examination. Their testimony has been corroborated by the documentary evidence gathered on the record.

22. On behalf of the Corporation, the BPS Ex. M-1 has been emphasized, which envisages the scheme of the TMC. Precisely, its terms and conditions are that the Corporation will resort to direct payment on 'no work no pay basis' through the Committee consisting of three labour representatives nominated by the Corporation for disbursement amongst the concerned workers. It further says that the names of the workers as in muster roll will be maintained by the Committee and the Committee will submit the details to the Corporation. The Corporation has also placed on the record the document relating to formation of the Committee of three members along with the names of the workers and it has been contended that these workers, which include the workmen in question, were employed by the TMC and were not engaged by the Corporation. The Corporation has relied upon the letter dated 4-8-2003 Ex. M-2 written by the Joint Secretary of the Union to the Corporation to issue the identity cards in the name of the workers, whose biodatas were deposited with the Corporation and it has been sought to contend that they were not employed by the Corporation. But the oral evidence

adduced on behalf of the Corporation does not corroborate the stand adopted by the Corporation.

23. MW-1 Brij Mohan Gupta is the Assistant Manager who deposes about the mode of payment of wages to the workmen. In his cross-examination he has stated that the workmen were called by the Corporation for performing the work, they were also engaged through the contractors and the TMC also employed them. To a question, he has replied that they were engaged through the contractor prior to the year 1995, but could not be able to name such a contractor. He has also stated that he is not in know whether these workmen were working prior to the year 1995. So far as the control and supervision over the workmen is concerned, he has admitted that the documents from Ex. W-1 to Ex. W-88 belonged to the Corporation and they do not have any mention of the TMC and could not be able to specifically answer whether the workmen were continuously working under the employment of the Corporation prior to the formation of the TMC.

24. MW-2 Onkarnal was posted as the Assistant Manager from January, 2003 to September, 2003 at Lalgarth Depot, who in his cross-examination has stated that the TMC was constituted in the year 1995, but he could not categorically answer whether these workmen were continuously working prior to the formation of the TMC in the year 1995. He has also admitted that Ex. M-2 is the statement of payment, which does not bear the signature of the TMC authority and the workmen are shown therein as casual labours. MW-3 RK Gupta is the Assistant Manager posted at Bikaner Depot, who has admitted that he has the personal knowledge about the functioning of the workmen who were performing the job of cleaning and dusting in the godown and were engaged by the TMC. He has stated that TMC employed them w.e.f. July 1995 and prior to it, there was a contractor system. He could not be able to answer specifically whether these workmen were engaged by the contractor prior to 1995 and even could not disclose the name of any such contractor. He has also pleaded ignorance whether the workmen were working under the control and supervision of the Depot Manager, but has admitted that their attendance was marked by the watchmen.

25. Thus, on an analytical examination of the documentary as well as oral evidence, it is crystal clear that the attendance of the workmen were marked by the Corporation authority and they performed their duties under the supervision and control of the Corporation authorities too. Though this fact has been brought on the record that a TMC was constituted which engaged the workmen on the need of the work, but the factum exhibited on behalf of the workmen that they were continuously working with the Corporation w.e.f. the year 1993-94 stands established from the evidence available on the record. There is no cogent evidence on the record that subsequent to the formation

of the TMC they were employed by the TMC and that the relationship of employer and employees between the contesting parties existing from the year 1993 came to an end on the formation of the TMC. It is thus manifestly clear that though the work of cleaning and dusting in the godown was assigned by the Corporation to the TMC w.e.f. the year 1995, yet the Corporation had the supervision and control over the work of the workmen and it also exercised the economic control on them. Therefore, the Corporation could not be able to prove the essential elements which could establish that no nexus of employees and employer existed between the workmen and the Corporation. In the light of the principles enunciated in the judicial pronouncements *supra* and on facts of the dispute, the submission made on behalf of the workmen is strengthened and it is found proved that there existed a relationship of employer and employees between the contesting parties. The submission of the Id. representative is further fortified by the decision reported in 2001 (2) WLC 128.

26. To conclude, it is held that the workmen have been able to establish that they had completed over 240 days in the calendar years prior to the termination of their services, whose services were terminated in violation of Section 25-F of the Act, which tantamounts to retrenchment. Accordingly, this point is decided in favour of the workmen and against the Corporation.

Point No. II

27. The Id. representative for the workmen contends that no seniority list was prepared by the Corporation prior to the termination of the workmen and the junior workmen Shival and Kalu have been made permanent by it. This contention has been opposed on behalf of the Corporation.

28. Though the workmen have respectively disclosed this fact in their affidavits that junior persons, viz., Shival and Kalu were retained by the Corporation and have been confirmed subsequently, but no documentary evidence could be led by them in support of their plea. There is no evidence on the record which may lead to infer that both these persons were junior to the workmen, who have been subsequently confirmed in the services of the Corporation. As such, no cogent evidence could be adduced on behalf of the workmen to substantiate their plea, which cannot be maintained and is rejected accordingly. This point, therefore, is decided against the workmen and in favour of the Corporation.

RELIEF

29. For the foregoing reasons, the workmen are entitled for the protection under Section 25-F of the Act and deserve to be reinstated in the service. They have pleaded their unemployment since their termination in their affidavits respectively. Hence, they are further entitled for the back-wages.

30. In the result, the reference is answered in the affirmative in favour of the workmen and against the Corporation and it is held that the action of the non-applicant Corporation in terminating the services of Sh. Om Prakash, Sh. Raju, Sh. Manoj, Sh. Pukhraj, Sh. Navratan and Smt. Shanti Devi w.e.f. 10-2-2003 is illegal and unjustified, which is set aside accordingly. They are entitled to be reinstated in the service with its continuity and 50 per cent back-wages from the dates of their raising the industrial dispute. An award is passed in these terms accordingly. A copy of the award be annexed with the each concerned files.

31. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 16 मार्च, 2006

का. आ. 1393.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचाट (संदर्भ संख्या 17/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-2006 को प्राप्त हुआ था।

[सं. एल-12012/4/1998-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 16th March, 2006

S.O. 1393.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 17/98) of the Industrial Tribunal, Kota as shown in the Annexure in the industrial dispute between the management of Punjab National Bank and their workman, which was received by the Central Government on 14-03-2006.

[No. L-12012/4/1998-IR (B-II)]

C. GANGADHARAN, Under Secy.

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

पीठासीन अधिकारी : के.के. गुप्ता, आर.एच.जे.एस.

रेफ्रेन्स प्रकरण क्रमांक : औ.न्या./केन्द्रीय-17/98

दिनांक स्थापित : 10-8-98

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश

सं. एल.-12012/4/98-आई.आर.(बी-II) दि. 6-8-98

निर्देश अन्तर्गत धारा 10(1)(घ)

औद्योगिक विवाद अधिनियम, 1947

मध्य

रंगजी मछार पुत्र श्री मान सिंह मछार,
108 शिव मार्ग, राती तलाई,
बासवाड़ा।

... प्रार्थी श्रमिक

एवं

रीजनल मैनेजर,

पंजाब नेशनल बैंक,

रीजनल ऑफिस,

शास्त्री नगर, जोधपुर।

... अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि : श्री बलदेव सिंह

अप्रार्थी नियोजक की ओर से प्रतिनिधि : श्री सुरेश माथुर

अधिनिर्णय दिनांक : 24-2-06

अधिनिर्णय :

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के उक्त आदेश दिनांक 6-8-98 के जरिए निम्न रेफ्रेन्स, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जावेगा) की धारा (10)(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :

"Whether the action of the management of Punjab National Bank in terminating the services of Sh. Rangji Machhar w.e.f. 20-6-97 is legal and justified? If not, to what relief the said workman is entitled?"

2. रेफ्रेन्स, न्यायाधिकरण ने प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना विधिवत रूप में जारी की गयी।

3. प्रार्थी श्रमिक रंगजी मछार की ओर से क्लेम स्टेटमेंट प्रस्तुत कर संक्षेप में यह अभिकथित किया गया है कि प्रार्थी, अप्रार्थी के अधीन पंजाब नेशनल बैंक शाखा आवापुरा (बासवाड़ा) में लिपिक/खजान्ची के पद पर निष्ठा से कार्य करता चला आ रहा था। श्री सी.बी. आगाल प्रभारी अधिकारी शाखा आवापुरा, यूनियन आईवीए की कार्यकारिणी में महामंत्री के पद का चुनाव हार जाने अनुसूचित जाति व अनुसूचित जनजाति के सदस्यों भये व बदले की भावना से ग्रस्त हो गये। प्रार्थी अनुसूचित जाति का होने व उनके अधीन होने के कारण प्रार्थी से बदला लेने पर उतारू होकर झूठे मामले में फंसा, षड़यन्त्र कर डिसमिस करा दिया। आगे अभिकथित किया गया है कि अप्रार्थी, उक्त श्री आगाल के यूनियन नेता होने के कारण उनसे भय खाते थे और राजी करने के लिए हर गलत कार्य को स्वीकार करते थे। श्री आगाल बैंक शाखा में अपनी इच्छानुसार आते थे और उन्होंने प्रार्थी को निर्देश दे रखे थे कि बैंक में कोई ग्राहक रकम जमा कराने आवे तो उसकी रकम जमा कर लेवें, उसको रसीद दे देवे श्री आगाल ही लेजर आदि में प्रार्थी को डिव्वाट करारकर प्रविष्टि कराते थे व उसको सत्यापित करते थे। इसी प्रकार भुगतान के निर्देश थे कि यदि बैंक में कैस हों तो पेमेन्ट कर देवे और यदि ना हो तो बतला देवे कि साहब के आने पर ले जाना। चूंकि प्रार्थी श्री आगाल के अधीन था इसलिए वो उनके निर्देशानुसार ही कार्य करता था।

इस प्रकार श्री आगाल ने चुनाव हारने के बाद प्रार्थी को तंग करते हुए बैंक के पैसे का उपयोग मनमाने ढंग से लेजर आदि में प्रविष्टियां करवाकर प्रार्थी द्वारा गबन बताकर उसे गिरफ्तार करवाने का डर दिखाकर स्वीकारोक्ति लिखवाली और जाली दस्तावेज बनाकर उसके ऊपर केस मढ़ दिया। आगे अभिकथित किया गया है कि श्री आगाल ने गबन का मामला दि. 2-7-94 को होना बताया व छुट्टी चले गये व 16-7-94 तक अवकाश में रहे व 18-7-94 को प्रार्थी को नकद व बैंक देकर 43200 रु. की प्रविष्टियां लेजर में कराई व वाउचर बनाये। इस प्रकार उन्होंने अवकाश लेकर रकम का इन्तजाम किया और ग्राहकों के खाते प्रार्थी द्वारा पूरे करवाये व प्रार्थी के विरुद्ध केस बना दिया। श्री आगाल ने प्रार्थी के विरुद्ध केस बनाकर निलम्बित कर दिया व 20-2-95 को एक आरोप-पत्र दिया जिसमें द्विपक्षीय समझौते की धारा 19.5(जे) के अधीन और अनाचार का आरोप लगाकर 15 दिन में जवाब मांगा। प्रार्थी ने उक्त आरोप-पत्र का जवाब दि. 7-3-95 को अपने आपको निर्दोष बताते हुए दिया, परन्तु अप्रार्थी ने श्री आगाल की सोची-समझी नीति के अनुसार जांच अधिकारी नियुक्त कर दिया। प्रार्थी ने जांच के दौरान स्वयं को निर्दोष सिद्ध करने हेतु पी.एम. दंक, सोमेश्वर ननुभा, एस.के. बंसल, डी.सी. मेहता व एल.एस. तोमर के इस मसले में हुए बयानों, स्पष्टीकरण व रिपोर्टिंग की प्रतियां दिलवाये जाने का प्रार्थना-पत्र दिया जिसे जांच अधिकारी द्वारा स्वीकार कर अप्रार्थी प्रस्तुतकर्ता अधिकारी को उपलब्ध करने हेतु 17-7-95 को आदेश दिया, परन्तु इन दस्तावेजों की प्रतिलिपियां उपलब्ध नहीं करवायी। प्रार्थी ने श्री आगाल द्वारा दि. 18-7-94 को काटे गये चेक व पेमेंट साईड कैशबुक की प्रतिलिपि व अन्य दस्तावेज की भी मांग की परन्तु ये सभी दस्तावेज प्रार्थी को नहीं दिलवाये गये और बचाव का उचित अवसर नहीं दिया गया जोकि नैसर्गिक न्याय सिद्धांतों के विपरीत रहा। इसके अतिरिक्त श्री आगाल ने ग्राहकों की पासबुकों जिन्हें उनके द्वारा प्रविष्टियां की गयी थी, ग्राहकों से लेकर नष्ट कर दी गयी और बिना प्रार्थना-पत्र लिये व बैंक फीस लिए डुप्लीकेट पासबुकों अवैध रूप से बना दी और इस प्रकार प्रार्थी के बचाव की साक्ष्य समाप्त कर दी। प्रार्थी को कदाचार द्विपक्षीय समझौते के पैरा 19.5(जे) के तहत आरोपित किया गया था। जिस सम्बन्ध में जांच अधिकारी द्वारा अपनी रिपोर्ट में स्पष्ट अंकित किया गया कि "प्रार्थी के कृत्य से बैंक या ग्राहकों को कोई हानि नहीं हुई है और ना ही होने की संभावना है।" इस प्रकार उक्त समझौते में वर्णित प्रावधानानुसार जांच अधिकारी द्वारा प्रार्थी के विरुद्ध आरोप सिद्ध नहीं माना गया तथापि अप्रार्थी ने 13-11-96 के आदेश द्वारा प्रार्थी को बिना नोटिस के बैंक सेवा से बरखास्त कर दिया जोकि कठोरतम दण्ड है। आगे यह भी अभिकथित किया गया है कि जांच कार्यवाही के दौरान अप्रार्थी को ओर से आरोपों की पुष्टि में कोई साक्ष्य प्रस्तुत नहीं की गयी जिस बाबत जांच रिपोर्ट में टिप्पणी भी अंकित की है। जांच अधिकारी ने अपनी जांच में प्रभारी अधिकारी को ही मुख्य रूप से दोषी माना है। प्रार्थी के विरुद्ध किसी भी प्रकार आरोप सिद्ध नहीं हुए हैं। प्रार्थी ने स्वयं कोई गलत कार्य नहीं किया जो भी कार्य किया वो श्री आगाल प्रभारी अधिकारी द्वारा धमकी देकर करवाया गया जिस बाबत उससे स्वीकारोक्ति लिखवा ली गयी जिस सम्बन्ध में जांच अधिकारी ने अपनी रिपोर्ट में स्पष्ट लिखा है कि जालसाजी से तैयार किये गये स्वीकारोक्ति के दस्तावेज जो आरोप का आधार हैं, को मान्यता नहीं दी जा सकती। इस प्रकार अप्रार्थी ने केवल इन्हीं जाली स्वीकारोक्ति

को आधार मानकर प्रार्थी को कठोरतम दंड दिया है जो उचित नहीं है। अन्त में प्रार्थना की गयी है कि प्रार्थी को अप्रार्थी द्वारा सेवा से पृथक् किया जाना अनुचित एवं अवैध घोषित करते हुए पिछले सम्पूर्ण वेतन व समस्त देय लाभों सहित सेवा में बहाल करवाये जाने का अनुतोष प्रदान किया जावे।

4. अप्रार्थी नियोजक द्वारा प्रार्थी के उक्त क्लेम का जवाब प्रस्तुत कर प्रतिवाद स्वरूप यह अभिकथित किया गया है कि प्रार्थी द्वारा अपने क्लेम में नयी कहानी बनायी गयी है और प्रथम बार अंकित आधार लिया गया है। द्विपक्षीय समझौते की धारा का प्रार्थी द्वारा गलत अर्थ लगाया गया है। अतिरिक्त कथन में अंकित किया गया है कि प्रार्थी द्वारा और अवचार किया गया है। बैंक के अनेक जमाकर्ताओं से राशि प्राप्त की एवं उनकी पासबुक में प्रविष्टी भी की, अपने लघुहस्ताक्षर भी किये, किन्तु वह राशि बैंक में अत्यधिक विलम्ब से जमा कराई और इस बीच राशि को अपने उपयोग में लिया। राशि फ्राड का मामला प्रकाश में आने पर प्रार्थी को आरोप-पत्र दि. 20-2-95 को दिया गया। प्रार्थी ने स्वयं अपने प्रत्युत्तर दिनांक 7-3-95 में अपनी स्वेच्छा से अपराध स्वीकार किया कि जमाकर्ताओं से प्राप्त राशि उसके द्वारा बैंक में विलम्ब से जमा करायी गयी जो बैंक नियमों के विरुद्ध है। बैंक द्वारा द्विपक्षीय समझौते के प्रावधानों की पालना करते हुए नियमानुसार जांच करवायी गयी जो नैसर्गिक न्याय सिद्धांतों की अनुपालना करते हुए सम्पन्न हुई। जांच के आधार पर अनुशासनिक अधिकारी द्वारा सभी दस्तावेजों व साक्ष्य का गहन अध्ययन कर इस निष्कर्ष पर पहुंचे कि प्रार्थी पर लगाये गये आरोप पूर्णतया सिद्ध हुए हैं एवं उसके द्वारा किया गया कृत्य घोर अवचार की श्रेणी में आता है एवं तदनुसार अद्यतन संशोधित द्विपक्षीय समझौते के पैरा 19.6(ए) के तहत बिना नोटिस बैंक सेवा से बर्खास्त करने का दण्ड प्रस्तावित किया गया। प्रार्थी को व्यक्तिगत सुनवाई का अवसर दिया गया जिस दौरान दि. 29-10-96 को प्रार्थी ने बताया कि स्वयं के मकान बनाने के कारण तंगी में रहने की वजह से उसने ग्राहकों की राशि अपने उपयोग में ली है जिसका उसे खेद है। प्रार्थी द्वारा क्लेम में पूरी-पूरी जो जिम्मेदारी उक्त कृत्य की श्री सी.पी. आगाल के ऊपर डाली है वो पूर्णतया अनुचित है क्योंकि ऐसा जानबूझकर किया गया है। यदि सत्यता होती तो प्रार्थी को तुरन्त आरोप-पत्र के जवाब, जांच कार्यवाही व व्यक्तिगत सुनवाई के दौरान उक्त तथ्य स्पष्ट करना चाहिए था, परन्तु उसने ऐसा नहीं किया। सेवा बरखास्तगी के आदेश की अपील भी प्रार्थी द्वारा की गयी और दि. 14-2-97 को व्यक्तिगत रूप से उपस्थित होकर यही स्वीकार किया कि वह मकान बनाने के कारण तंगी में था इसलिए ग्राहकों द्वारा दिये गये पैसे काम में ले लिये। प्रार्थी द्वारा अपीलीय अधिकारी से यह भी अनुरोध किया गया कि उसे नौकरी बरखास्तगी के अतिरिक्त अन्य कोई भी दण्ड दे दें। इस प्रकार प्रार्थी द्वारा जो क्लेम में कहानी गढ़ी गयी है वो पूरी तरह से बाद की सोची हुई है। यदि ऐसा होता तो वह अपीलीय अधिकारी के समक्ष भी स्पष्ट कर सकता था। आगे अभिकथित किया गया है कि बैंक एक सार्वजनिक निकाय होने से निष्पक्ष संस्था है, उसका किसी कर्मचारी के साथ पूर्वाग्रह नहीं है, ना दुश्मनी है, अतः प्रार्थी को गलती से अपराध में फंसाने का कोई आधार नहीं है, यदि वो निर्दोष होता तो उसे बैंक क्यों दोषी ठहराता? चूंकि प्रार्थी द्वारा अपराध किया गया है और उसका कृत्य घोर अवचार की श्रेणी में आता है जिससे बैंक की छवी खराब हुई है,

अतः उसे नियमानुसार जो दण्ड दिया गया है वो उचित है। आगे यह भी अभिकथित किया गया है कि प्रार्थी द्वारा अधिकतर वर्ष 1991-92 एवं मई, 93 से पूर्व विभिन्न खातेदारों से राशि प्राप्त कर अपने उपयोग में ली गयी तथा बैंक में विलम्ब से जमा करायी गयी। उस समय सी.पी. आगाल उस समय शाखा पर कार्यरत नहीं थे, वो प्रथम बार 25-5-93 को नियुक्त होकर आये, जबकि उक्त अधिकतर कृत्य पूर्व में प्रार्थी द्वारा ही किया जा रहा था इससे स्वतः ही स्पष्ट है कि प्रार्थी का यह तर्क कि सारी कार्यवाही उसके द्वारा श्री आगाल के इशारे पर की गयी, पूर्णतः निराधार, झूठा व मनगढ़न्त है। इस प्रकार प्रार्थी द्वारा दिये गये उक्त कृत्य जोकि घोर अवचर की श्रेणी में आता है, के लिए सेवा से पृथक् का जो दण्ड दिया गया है वह पूर्णतया अनुचित है, प्रार्थी का सम्पूर्ण क्लेम निराधार, मनगढ़न्त व वास्तविक तथ्यों के विपरीत होने से अस्वीकार कर निरस्त होने योग्य है और प्रार्थी किसी प्रकार का कोई अनुतोष का अधिकारी नहीं है।

5. प्रार्थी श्रमिक की ओर से अपनी साक्ष्य में स्वयं का शपथ-पत्र प्रस्तुत कर परीक्षित करवाया गया है, जबकि अप्रार्थी नियोजक की ओर से साक्षी श्री चन्द्रप्रकाश आगाल, मैनेजर, पीएनबी बैंक शाखा, चौपासनी हाउसिंग बोर्ड, जोधपुर एवं एन.आर. वर्मा, वरिष्ठ प्रबन्धक, पी.एन.बी. शाखा आबू रोड को परीक्षित करवाया गया है। पक्षकारों की ओर से प्रलेखीय साक्ष्य भी प्रस्तुत की गयी है।

6. बहस पक्षकारों की सुनी गयी, अभिलेख पर दोनों पक्षों की ओर से लिखित बहस भी प्रस्तुत हुई है, जिसका तथा पत्रावली व उपलब्ध साक्ष्य सामग्री का ध्यानपूर्वक परीशीलन किया गया।

7. प्रार्थी की ओर से यह तर्क दिया गया है कि विभागीय जांच में न्याय के नैसर्गिक सिद्धांतों की पालना नहीं हुई है। इस सम्बन्ध में अप्रार्थी का यह तर्क है कि प्रार्थी ने जांच में पूरी तरह भाग लिया है, विभागीय जांच में प्रार्थी प्रतिनिधि ने गवाहों से जिरह की है। जांच अधिकारी ने प्रार्थी को दोषी मानते हुए अपनी रिपोर्ट प्रस्तुत की है, उस पर अनुशासनिक अधिकारी ने प्रार्थी को सुनने के पश्चात सेवामुक्ति का आदेश पारित किया जिसकी अपील प्रार्थी ने की। अपीलीय अधिकारी ने भी प्रार्थी को सुनने के पश्चात् अनुशासनिक अधिकारी के आदेश को बहाल रखा। इस सम्बन्ध में सभी दस्तावेज न्यायालय में प्रस्तुत हो चुके हैं। उनका यह भी तर्क है कि दोनों पक्षों की ओर से प्रार्थी के दुराचरण के सम्बन्ध में न्यायालय में साक्ष्य हो चुकी है और प्रार्थी को न्यायालय में प्रार्थी को अपनी साक्ष्य प्रस्तुत करने व अप्रार्थी साक्षियों से जिरह करने का पूर्ण अवसर दिया जा चुका है। अतः विभागीय जांच के सम्बन्ध में प्रार्थी द्वारा दिये गये तर्क महत्वहीन हो जाते हैं।

8. उक्त सम्बन्ध में पत्रावली के अवलोकन से स्पष्ट है कि प्रार्थी ने दि. 13-2-04 को प्रार्थना-पत्र प्रस्तुत किया था जिसका निस्तारण दोनों पक्षों की सहमति से किया गया और दोनों पक्षों ने यह स्वीकार किया कि दुराचरण के सम्बन्ध में दोनों पक्षों को गुणावगुण पर साक्ष्य हो चुकी है और दोनों पक्ष नयी साक्ष्य इस सम्बन्ध में प्रस्तुत नहीं करना चाहते हैं। अतः प्रार्थी द्वारा विभागीय जांच में न्याय के नैसर्गिक सिद्धांतों की पालना नहीं होने के सम्बन्ध में दिया गया तर्क महत्वहीन हो जाता है।

9. प्रार्थी की ओर से अपने क्लेम स्टेटमेंट में जो तर्क दिये गये हैं, वही लिखित बहस में उनके प्रतिनिधि द्वारा प्रस्तुत किये गये हैं। उनका कहना है कि प्रार्थी से श्री आगाल जोकि तत्कालीन प्रभारी अधिकारी, बैंक शाखा आवापुरा थे, ने पुलिस के डंडे का डर बताकर व दबाव देकर प्रविष्टियां करवायी व सभी राशि वो स्वयं अपने साथ ले जाते थे। प्रार्थी ने किसी प्रकार की हेराफेरी या फ्रॉड नहीं किया है। उनका यह भी तर्क है कि तत्कालीन प्रभारी अधिकारी श्री आगाल, यूनिनयन के महामंत्री पद का चुनाव हार चुके थे व अनु. जाति व अनु. जनजाति के सदस्यों से रुष्ट हो गये थे इसलिए प्रार्थी का झूठे मामले में फंसाया है। उनका यह भी तर्क है कि जांच अधिकारी ने अपनी जांच रिपोर्ट में जगह-जगह श्री आगाल प्रभारी अधिकारी को भी दोषी माना है। श्री आगाल के विरुद्ध कोई कार्यवाही नहीं की गयी है। उनका यह भी तर्क है कि प्रार्थी को आरोप-पत्र द्विपक्षीय समझौते की धारा 19.5(जे) के तहत किया गया है और जांच अधिकारी ने अपनी रिपोर्ट में यह माना है कि प्रार्थी के उक्त कृत्य से बैंक या ग्राहकों को कोई हानि नहीं हुई है और ना ही हानि की संभावना है। उनका यह भी कहना है कि प्रार्थी को ग्राहक बैंक बन्द होने के बाद भी राशि जमा कराने के लिए देते थे जो वह बाद में जमा करा देता था और वह उसका कोई दुराचरण नहीं था एवं श्री आगाल को बचाने के लिए प्रार्थी के कृत्य के मुकाबले प्रार्थी को कठोरतम दण्ड दिया गया है। प्रार्थी की ओर से अपने कथनों/तर्कों के समर्थन में न्यायद्वारा "1998(1) डब्ल्यू.एल.सी. 169 (राज.) आर.बी.एल. माथुर बनाम जयपुर नागौर आंचलिक ग्रामीण बैंक एवं अन्य तथा औ.वि.अधिकरण एवं श्रम न्यायालय, उदयपुर के अधिनिर्णय दिनांकित-1-8-95, ध्रुव शंकर व्यास बनाम क्षेत्रीय प्रबन्धक बैंक ऑफ बड़ोदा, भित्तौड़गढ़" प्रस्तुत किये गये हैं।

10. अप्रार्थी पक्ष का कथन है कि प्रार्थी ने क्लेम में श्री आगाल पर जो भी आरोप लगाये हैं, वे सभी मिथ्या हैं। प्रार्थी को 20-2-95 को आरोप-पत्र दिया गया था जिसका जवाब उसने 7-3-95 को दिया, उसमें प्रभारी अधिकारी श्री आगाल पर किसी प्रकार का कोई आरोप नहीं लगाया और अपनी गलती को स्वीकार कर लिया। उसके पश्चात् प्रार्थी ने इस सम्बन्ध में कोई साक्ष्य भी जांच के दौरान प्रस्तुत नहीं की तथा अनुशासनिक अधिकारी के समक्ष व्यक्तिगत सुनवाई के लिए जब वह उपस्थित हुआ तब भी उसने लिखित में कोई अभ्यावेदन नहीं दिया एवं स्वयं की गलती स्वीकार की और यह कहा कि स्वयं ने मकान बनाने के कारण अधिक तंगी में होने की वजह से ग्राहकों की राशि अपने उपयोग में ले ली जिसके लिए उसे खेद है, उसका इरादा रकम हड़पने का नहीं है और उसने सारी राशि बैंक में जमा करा दी है। अपीलीय अधिकारी के समक्ष भी प्रार्थी ने दि. 16-12-96 को अपील प्रस्तुत की है, उसमें भी उसने अपना अपराध स्वीकार किया है। उनका यह भी तर्क है कि न्यायालय में हुए ब्यानों की जिरह में भी प्रार्थी ने अपने आरोप को स्वीकार किया है और यह कहा है कि यह बात सही है कि मैंने संस्थान को जो पत्र दिया था, उसमें अपना अपराध स्वीकार कर लिया था। प्रार्थी ने आगे यह भी जिरह में स्वीकार किया है कि मैंने सी.पी. आगाल के विरुद्ध पुलिस या उच्चाधिकारियों से कभी शिकायत नहीं की। मैंने यह लिख कर किसी को नहीं दिया कि जो उसने लिखकर दिया है वो डंडे के जोर से लिख कर दिया है। यह बात सही है कि यह विवाद सन् 1991,

92 व 93 का है। यह बात सही है कि श्री आगाल सा. वर्ष 93 के बाद आये थे। अप्राथी पक्ष का यह भी कहना है कि श्री आगाल ऑफिसर यूनियन के सदस्य थे और प्राथी मछार कर्मचारी यूनियन का सदस्य था। कर्मचारी यूनियन के सदस्यों के वोट, ऑफिसर यूनियन के पदाधिकारियों के चुनाव में नहीं पड़ते हैं और इन दोनों यूनियनों का आपस में कोई सम्बन्ध नहीं है, जैसा कि प्राथी ने स्वयं ने न्यायालय में अपनी जिरह में स्वीकार किया है। अतः प्राथी का यह कहना कि श्री आगाल चुनाव हार चुके थे, इस कारण वह उससे घृणा करते थे और उसे झूठा फंसाया है, मिथ्या है। उन्होंने मेरा ध्यान इस ओर भी आकृषित किया कि प्राथी ने कई खातों में रकम दो-दो साल बाद भी जमा करायी है व वर्ष 91 में भी कई खातों में कई राशियों को देरी से जमा कराना पाया गया है, जबकि श्री आगाल वहां प्रभारी अधिकारी ही नहीं थे। अतः श्री आगाल पर प्राथी द्वारा जो आरोप लगाये गये हैं, वे स्वयं को बचाने के लिए लगाये गये हैं क्योंकि उस समय श्री आगाल, बैंक शाखा आवापुरा में प्रभारी अधिकारी ही नियुक्त नहीं थे। उनका यह भी कहना है कि द्विपक्षीय समझौते को धारा 19.5(जे) में जो दुराचरण अंकित है, वो साबित हुआ है और बैंक की शाखा प्राथी के कृत्य से गिरी है एवं प्राथी ने बैंक के ग्राहकों की रकम को उनके खातों में समय पर जमा नहीं कराकर अपने उपयोग में लेकर जो दुराचरण किया है, उसके लिए उसे यथोचित दण्ड दिया गया है। उन्होंने अपने कथन समर्थन में न्यायदृष्टांत “2004(10) एफ.एल.आर. 612-प्रेन्चीज विनसेन्ट नीलाकोविल त्रिचुर बनाम एण्ड. ट्रिब्यूनल, मद्रास (मद्रास उ.न्या.), 2005 लैब.आई. सी. 3682-स्टेट बैंक ऑफ इण्डिया बनाम बैला बागची एवं अन्य (उच्चतम न्यायालय), 2001 लैब.आई.सी. 2122-यू.पी. स्टेट रोड ट्रा.कोर. बनाम मोहनलाल गुप्ता (उच्चतम न्यायालय), ए.आई. आर. 2000 एस.सी. 3129-जनता बाजार (साउथ केनारा सेंट्रल को-ओप. होलसेल स्टोर्स लि.) बनाम सेकेट्री, सहकारी नवकारा संघ., (2000) 7 एस.सी.सी. 517-(2000)8 एस.सी.सी. 12-स्टेट बैंक ऑफ इण्डिया बनाम तरुणकुमार बनर्जी एवं अन्य, (1998)4 एस.सी.सी. 310-यूनियन बैंक ऑफ इण्डिया बनाम विश्व मोहन तथा ए.आई.आर. 1997 एस.सी. 2249-सुधीर विष्णु पानवल्कर बनाम बैंक ऑफ इण्डिया” पेश किये गये हैं।

11. प्राथी को आरोप-पत्र प्रदर्श.एम.1 दिया गया जिसमें विभिन्न खातों में वर्ष 91 से 94 के मध्य खातेदारों से रकम प्राप्त करके उनकी पासबुकों में उसके द्वारा इन्द्राज कर दिया गया, किन्तु संबंधित खातों में रकम का इन्द्राज विलम्ब से किया गया, इस तरह से उसने घोर दुराचार किया। प्राथी ने इस संबंध में यह कहा है कि तत्कालीन प्रभारी श्री आगाल ही अपने साथ राशि ले जाते थे और उन्होंने ही हेराफेरी की है तथा उसने कोई कपट या छल नहीं किया है और उससे पुलिस के डंडे का डर बताकर जबरदस्ती खातों में प्रविष्टियां करवायी है, वह अनुसूचित जाति का सदस्य है और श्री आगाल चुनाव हार गये थे इसलिए द्वेषता-पूर्वक उसके विरुद्ध यह कार्यवाही की गयी है। इस संबंध में प्राथी श्रमिक रंगजी मछार ने अपनी जिरह में यह स्वीकार किया है कि यह बात सही है कि विवाद वर्ष 91, 92, 93 का है। यह बात सही है कि श्री आगाल सा. सन् 1992 के बाद आये थे। मैंने मेरे शपथपत्र में जो आपत्तियां उठायी हैं, वे आरोप-पत्र के जबाब में नहीं उठायी थी। यह बात सही है कि मैंने संस्थान को जो पत्र दिया था उसमें अपना अपराध स्वीकार कर

लिया था। मैं बी.ए. तक पढ़ा लिखा हूँ। जाँच में, मेरे प्रतिनिधि अक्षयपाल सिंह चौहान थे जो बैंक में ही नौकरी करते थे। श्री सी.पी. आगाल भी अप्राथी साक्षी के रूप में साक्ष्य में उपस्थित हुए हैं और उन्होंने अपने शपथ-पत्र में स्पष्टरूप से कहा है कि श्री रंगजी मछार ने वर्ष 91, 92 व मई, 93 से पूर्व विभिन्न खातेदारों से राशि प्राप्त की और उसे अपने उपयोग में लिया तथा विलम्ब से राशि जमा करवायी। उक्त दौरान वह इस शाखा में नियुक्त नहीं था। साक्षी प्रथम बार दिनांक 25-5-93 को नियुक्त होकर आया, जबकि उक्त अधिकतर कृत्य श्री मछार द्वारा ही किया जा रहा था। जिरह में भी इस गवाह ने दिनांक 24-5-93 से 4-8-95 तक आवापुरा जिला बांसवाड़ा पी.एन.बी. शाखा में मैनेजर के पद पर नियुक्त होने का कथन किया है। प्राथी स्वयं ने भी अपनी जिरह में यह स्वीकार किया है कि वर्ष 92 के बाद श्री आगाल, प्राथी की बैंक में आये थे। इस तरह यह तथ्य साबित हो जाता है कि श्री आगाल दिनांक 24-5-93 से उक्त शाखा में प्रभारी अधिकारी के पद पर आये थे। प्राथी स्वयं ने भी यह स्वीकार किया है कि यह विवाद वर्ष 91, 92 व 93 का है तथा प्रदर्श.एम.1 आरोप-पत्र में दर्शायी गयी खातों की प्राप्त राशि व जांच रिपोर्ट प्रदर्श.एम.3 के साथ संलग्न जाँच कार्यवाही में प्रस्तुत खातों की फोटो प्रतियों के अवलोकन से यह साबित होता है कि कई खातों में राशि वर्ष 91, 92 व 93 में प्राथी ने श्री आगाल के आने से पूर्व प्राप्त की है और देरी से जमा करवायी है। उदाहरण के लिए खाता सं. 259 में 100 रुपये की राशि 5-9-92 को प्राप्त की जो 18-7-94 को जमा करायी है, खाता सं. 973 में 500 रुपये की राशि 5-9-92 को प्राप्त की जो 5-11-92 को जमा करायी है, 1000 रुपये की राशि दिनांक 1-10-93 को प्राप्त की जो 18-7-94 को जमा करायी है, खाता सं. 258 है 100 रु. की राशि 12-1-1993 को प्राप्त की जो 18-7-1994 को जमा करायी है, खाता सं. 1269 में 5000 रु. की राशि 3-5-1993 को प्राप्त की वे 18-7-1994 को जमा करायी है, खाता सं. 571 में 280 रुपये की राशि 6-4-91 को प्राप्त की जो 15-4-91 को जमा करायी है। इसी प्रकार इसी खाते में 300 रुपये दिनांक 7-5-91 को प्राप्त की जो 14-5-91 को जमा करायी है। खाता सं. 814 में 800, 2500, 700 व 3000 रुपये क्रमशः 26-3-91, 11-1-92, 19-1-93 को प्राप्त की जो क्रमशः 3-9-91, 20-1-92 व 18-7-94 को जमा करायी है। इसी प्रकार अन्य कई खातों में इस तरह राशियां देरी से जमा करायी गई हैं। अतः प्राथी का यह तर्क कि श्री आगाल प्रभारी अधिकारी ने ही हेराफेरी व छल-कपट किया है तथा उनके दबाब में आकर उसने बाद में वाउचर्स व खाते में इन्द्राज किया है, स्वीकार किये जाने योग्य नहीं है।

12. प्राथी का यह तर्क कि उसको पुलिस का डर दिखाकर व दबाव देकर प्रविष्टियां करायी गयीं भी स्वीकार किये जाने योग्य नहीं हैं। प्राथी स्वयं बी.ए. पास है तथा काफी समय से बैंक में नौकरी कर रहा था तथा वह वहां का ही रहने वाला था। उसने स्वयं ने यह स्वीकार किया है कि शपथ-पत्र में जो आपत्तियां उठायी हैं, वो आरोप-पत्र के जबाब में नहीं उठायी थी व संस्थान को जो पत्र उसने दिया था उसमें अपना अपराध स्वीकार कर लिया था। प्राथी को दिनांक 20-2-95 को आरोप-पत्र दिया गया और उसने दिनांक 7-3-95 को आरोप-पत्र का लिखित उत्तर प्रदर्श.एम. 2 प्रस्तुत किया जिसमें उसने स्पष्ट रूप से अंकित किया कि उसके द्वारा ग्राहकों से बैंक समय पश्चात् भी जमाये प्राप्त की जाती

रही हैं। इस सम्बन्ध में मैंने उनकी पास-बुक में तुरन्त ही प्रविष्टि कर दी थी, किन्तु बैंक में राशि जमा करवाने में कुछ विलम्ब हो जाता था इसलिए खातों की प्रविष्टि व पास-बुक की प्रविष्टियों में अन्तर पाया गया जो कि निश्चित ही बैंक नियमों के विपरीत है जिसके लिए मैं क्षमाप्रार्थी हूँ। प्रार्थी के द्वारा कई खातों में वर्ष 91, 92 में प्राप्त की गयी राशियाँ, वर्ष 94 में बैंक में जमा करायी गयी है जैसा कि खातों के अवलोकन से स्पष्ट है और 1-2 साल की देरी के लिए प्रार्थी के इस कथन को सत्य नहीं माना जा सकता कि वो ग्राहकों से बैंक के बाहर व बैंक बन्द होने के पश्चात् जमायें प्राप्त कर लेता था और पास बुक में इन्द्राज उसी समय कर देता था और खातों में प्रविष्टि असावधानीवश देरी से हुई है। यह प्रविष्टियाँ यदि 2-4 दिन देरी से होती तो उसका यह कथन सही माना जा सकता था, किन्तु 2-2 वर्ष की देरी के लिए यह कथन स्वीकार किये जाने योग्य नहीं है और इससे यह निष्कर्ष निकलता है कि प्रार्थी ने जानबूझकर जमा राशियों को अपने पास रखा और अपने काम में लिया तथा बाद में जमा करायी। प्रार्थी ने इस प्रदर्श एम.2 आरोप के प्रत्युत्तर में श्री आगाल द्वारा उस पर दबाव डालने व पुलिस डंडे का डर दिखाने जैसे कथन नहीं किये हैं। उसके द्वारा 43,200 रु. की राशि विभिन्न खातों में देरी से जमा कराने का आरोप जांच अधिकारी द्वारा साबित पाया गया है। अनुशासनिक अधिकारी के आदेश दिनांकित 13-11-96 के अवलोकन से स्पष्ट है कि प्रार्थी रंगजीमछार अपने बचाव प्रतिनिधि सहित दिनांक 29-10-96 को उनके समक्ष उपस्थित हुआ था, उसने लिखित में अभ्यावेदन नहीं दिया, किन्तु मौखिक रूप से अपना पक्ष प्रस्तुत किया कि स्वयं का मकान बनाने के कारण आर्थिक तंगी में रहा और इसी वजह से उसने ग्राहकों की जमा राशि अपने उपयोग में ली जिसके लिए उसे खेद है। उसने सारी राशि बैंक में जमा भी करा दी है। इस तरह से यदि श्री आगाल प्रभारी अधिकारी, बैंक द्वारा पुलिस के डंडे का डर बताकर या दबाव डालकर प्रार्थी मछार द्वारा स्वीकारोक्ति कराने का मामला होता तो वह आरोपपत्र के जवाब अथवा अनुशासनाधिकारी के समक्ष भी यह तथ्य कहता, किन्तु उसने ऐसा नहीं किया और उसने अनुशासनिक अधिकारी द्वारा दण्ड दिये जाने के आदेश के विरुद्ध अपील में भी इन तथ्यों का समावेश नहीं किया। उसने अपनी जिरह में भी यह स्वीकार किया है कि मैंने श्री सी.पी. आगाल के खिलाफ कभी भी पुलिस में या उच्चाधिकारियों को लिखित रूप में शिकायत नहीं की। मैंने कभी भी किसी को यह लिखकर नहीं दिया जो लिखकर दिया है वो डंडे के जोर से लिखकर दिया है। यही तथ्य श्री आगाल द्वारा अपने शपथ-पत्र में अंकित किये गये हैं। अतः प्रार्थी का यह कथन कि उससे जबरदस्ती डरा-धमकाकर दस्ताख्त करवाये हैं, साबित नहीं होता है।

13. प्रार्थी का एक तर्क यह भी रहा है कि श्री आगाल यूनियन पदाधिकारी का चुनाव हार गये थे और एस. टी. एम.सी. के कर्मचारियों से रुष्ट रहते थे। इस संबंध में प्रार्थी ने अपनी जिरह में यह स्वीकार किया है कि श्री आगाल आफिसर यूनियन के सदस्य थे और वह स्वयं कर्मचारी यूनियन का सदस्य था। दोनों अलग-अलग यूनियन हैं और कर्मचारी यूनियन के सदस्य को आफिसर यूनियन के सदस्य को वोट देने का अधिकार नहीं था। श्री आगाल ने भी अपने बयानों में यह कहा है कि श्री रंगजी मछार (प्रार्थी) अधिकारी नहीं होने के कारण, अधिकारी यूनियन के सदस्य नहीं थे। श्री रंगजी मछार की कर्मचारी यूनियन थी जिसका इस

अधिकारी यूनियन से कोई संबंध नहीं है। इस तरह से जब दोनों का आपस में कोई संबंध नहीं है और प्रार्थी रंगजी मछार का, आफिसर यूनियन के पदाधिकारियों के चुनाव के लिए वोट नहीं पड़ा है तो इस आधार पर श्री आगाल का उससे रुष्ट होने का कोई कारण स्वीकार किये जाने योग्य नहीं है।

14. प्रार्थी का यह भी तर्क है कि जांच अधिकारी ने अपनी जांच रिपोर्ट में कई स्थान पर प्रभारी अधिकारी श्री आगाल को भी दोषी पाया है व उसके विरुद्ध कोई कार्यवाही भी नहीं की है। श्री एन.आर. वर्मा जांच अधिकारी साक्ष्य में प्रस्तुत हुआ है और उसने प्रदर्श एम.3 जांच कार्यवाही/रिपोर्ट को साबित किया है तथा उसने कहा है कि दोनों पक्षों की साक्ष्य व दस्तावेजात के आधार पर श्री रंगजी मछार को दोषी करार दिया है। जांच रिपोर्ट का अवलोकन किया गया। यह सही है कि जांच रिपोर्ट ने प्रभारी अधिकारी के बांसवाड़ा से रोजाना बैंक आने व जाने के तथ्य आये हैं जो कि श्री आगाल प्रभारी अधिकारी ने अपने बयानों में भी स्वीकार किये हैं। जांच रिपोर्ट में यह भी आया है कि श्री आगाल बांसवाड़ा से रोजाना बैंक आते व जाते थे इसलिए वह रंगजी मछार पर निर्भर थे और श्री मछार जो कि कार्यवाही करता था, उस पर दस्ताख्त कर देते थे। कई बार वह देरी से आते थे और जल्दी चले जाते थे इसलिए श्री रंगजी मछार को इस तरह के कृत्य करने के मौके मिल गये। इस प्रकार जांच रिपोर्ट में अंकित उक्त तथ्यों से प्रार्थी रंगजी मछार को कोई भी लाभ नहीं मिल सकता, क्योंकि प्रार्थी मछार ने स्वयं खातेदारों से रकम प्राप्त की और 2-2, 3-3 वर्ष की देरी से उनके खातों में रकम जमा करायी। यह सही है कि रंगजी मछार को यह लिखकर खातेदारों ने दिया कि उन्हें श्री मछार से कोई शिकायत नहीं है व जांच रिपोर्ट में भी यह तथ्य आया है कि श्री मछार ने सारी रकम जमा करा दी है और बैंक के ग्राहकों को कोई हानि नहीं हुई है, किन्तु यह तो साबित है कि प्रार्थी रंगजी मछार ने खातेदारों से धनराशि उनके खातों में जमा कराने के लिए प्राप्त की और 3-3 वर्ष की देरी से उसने उन राशियों को बैंक में जमा कराया जिससे मेरी राय में बैंक की साख गिरी है और बैंक का व्यवसाय ऐसा है कि ग्राहकों द्वारा जमा करायी गयी राशि उनके खातों में समय पर जमा हो और जब वो निकालना चाहे तब मय ब्याज उन्हें प्राप्त हो। यदि इस व्यवस्था में किसी प्रकार की चूक होती है तो बैंक की ही साख गिरती है और उसके व्यवसाय पर भी असर पड़ता है व इस तरह के मामले को गम्भीरता से लेना चाहिए। इस संबंध में प्रार्थी द्वारा प्रस्तुत न्यायदृष्टांत "1998 (1) डब्ल्यू. एल.सी. 169-आर.बी.एल. माथुर बनाम जयपुर नागौर आंचलिक ग्रामीण बैंक—(रा.उ.न्या.)" का अवलोकन किया गया। इस न्याय दृष्टांत में कर्मचारी ने ग्राहकों से लोन की राशि बैंक में जमा कराने के लिए प्राप्त की और दो माह की देरी से बैंक में जमा करायी। इसे गम्भीर नहीं माना गया और 21 वेतन वृद्धियाँ संचयी प्रभाव से रोकने का दण्ड दिया गया जिसे उचित नहीं माना गया। किन्तु हस्तगत मामले में इस तरह के तथ्य नहीं हैं। हस्तगत मामले में प्रार्थी श्रमिक ने विभिन्न खातेदारों से राशि प्राप्त की और कई मामलों में एक से अधिक समय तक भी अपने पास रखा है और मामला उजागर होने पर बैंक में जमा करायी है। अतः इस न्यायदृष्टांत से प्रार्थी को कोई सहायता नहीं पहुँचती। इसी तरह प्रार्थी की ओर से औ.वि. अधिकरण एवं श्रम न्यायालय, उदयपुर के अधिनिर्णय दिनांकित

1-8-95 ध्रुव शंकर व्यास बनाम क्षेत्रीय प्रबन्धक बैंक ऑफ बड़ौदा, चितौड़गढ़" की फोटोप्रति प्रस्तुत की गयी है जिसमें 5 हजार रुपये के गबन के आरोप के लिए श्रमिक को सेवामुक्ति के स्थान पर केवल 2 वेतन वृद्धि रोकने का दण्ड ही पर्याप्त माना। किन्तु हस्तगत मामला ऐसा नहीं है, यहां 1-2 साल तक भी प्रार्थी ने विभिन्न खातेदारों की रकम को अपने प्रयोग में लिया है और यह अधिनिर्णय इस न्यायाधिकरण पर बाध्यकारी भी नहीं है। इसके विपरीत अप्रार्थी प्रतिनिधि की ओर से न्यायदृष्टांत "2005 लैब.आई.सी. 3682-स्टेट बैंक ऑफ इंडिया बनाम बेला बागची एवं अन्य" को प्रस्तुत किया है जिसमें माननीय उच्चतम न्यायालय द्वारा निम्न अभिमत प्रकट किया गया है :-

"(B) State Bank of India Act (23 of 1955), S.43-State Bank of India (Supervising Staff) Service Rules (1975), R.1-Sastry Award, Para 521(4)(j)-Dismissal from service—Proportionality—Bank employee—Charged of not depositing money given by account holder for deposit and making false entry in his pass-book—Charge is of serious nature—Plea that account holder had withdrawn his grievance and there was no losses to Bank—Has no substance—Dismissal order not improper."

15. न्यायदृष्टांत "2001 लैब.आई.सी. 2122-यू.पी. स्टेट रोड ट्रांस कोर बनाम मोहनलाल गुप्ता" में भी माननीय उच्चतम न्यायालय द्वारा निम्न अभिमत प्रकट दिया गया है :

"Industrial Disputes Act (14 of 1947). S.11-A-Termination of service—Charge of misappropriation proved against employee—In the event employer Corporation loses its confidence vis-a-vis the employee and passed order of termination—Court cannot substitute finding and confidence of employer with that of its own by allowing reinstatement—misconduct stands proved and by reason of gravity of offence labour Court cannot exercise its discretion and alter the punishment."

16. न्यायदृष्टांत "ए.आई.आर. 2000 एस.सी. 3129-जनता बाजार (साउथ केनारा सेन्ट्रल को-ऑप. होलसेल स्टोर्स लि. बनाम सेक्रेटरी, सहकारी नवकारा संघ एवं अन्य" में भी माननीय उच्चतम न्यायालय द्वारा निम्न अभिमत प्रकट किया गया है :

"Industrial Disputes Act (14 of 1947). Sec. 2. Items 3. S. 11-A-Reinstatement charges of breach of trust and misappropriation. Facts established—Reinstating the employee in service. unjustified—Fact that misappropriation is for small or large amounts, or that past record of employee is unblemished, irrelevant."

17. न्यायदृष्टांत "(2000) 7 एस.सी.सी. 517-में भी माननीय उच्चतम न्यायालय ने निम्न अभिमत प्रकट किया है :

"B. Labour Law—Misconduct—Penalty/punishment—Discretion of employer exercised in

imposing penalty after misconduct proved in domestic enquiry—Held, Labour Court cannot substitute the penalty imposed by the employer—Industrial Disputes Act, 1947, Ss. 11-A and 10."

18. इसी प्रकार न्यायदृष्टांत "(2000) 8 एस.सी.सी. 42-स्टेट बैंक ऑफ इंडिया बनाम तरुणकुमार बनेर्जी एवं अन्य" में भी माननीय उच्चतम न्यायालय ने यह कहा है कि अधिनियम की धारा 11-ए के अन्तर्गत न्यायाधिकरण को ऐसे मामले में हस्तक्षेप नहीं करना चाहिए। यह न्यायदृष्टांत घरेलू जांच की साक्ष्य के आकलन के सम्बन्ध में है। "न्यायदृष्टांत (1998) 4 एस.सी.सी. 310-यूनियन बैंक ऑफ इण्डिया बनाम विश्वमोहन" में भी माननीय उच्चतम न्यायालय ने यह कहा है कि बैंक के हितों की रक्षा करने में अपने कर्तव्यों को पूरी गम्भीरता, तत्परता व ईमानदारी से नहीं निभाने के मामले में व बैंक में जिस तरह का कार्य होना चाहिए, उसे नहीं करने के मामले में सेवामुक्ति उपयुक्त है। इसी प्रकार न्यायदृष्टांत "ए.आई.आर. 1997 एस.सी. 2249-सुधीर विष्णु पानवल्कर बनाम बैंक ऑफ इण्डिया" के मामले में भी माननीय उच्चतम न्यायालय ने यह कहा है कि यदि बैंक अधिकारी राशि के दुर्विनियोग में लिप्त पाया जाता है तो बैंक के द्वारा सेवामुक्ति किया जाना उचित है।

19. इस तरह उपरोक्त सभी न्यायदृष्टांतों में प्रतिपादित सिद्धांतों से यह निष्कर्ष निकलता है कि यदि बैंक कर्मचारी/अधिकारी राशि के दुर्विनियोग के मामले में लिप्त पाया जाता है अथवा इस तरह का कृत्य करता है जिसे बैंक अधिकारी या कर्मचारी को नहीं करना चाहिए और उससे बैंक का उनके विश्वास कम हो जाता है तो बैंक द्वारा दिये गये सेवामुक्ति के दण्ड में न्यायाधिकरण को हस्तक्षेप नहीं करना चाहिए। अतः हस्तगत मामले में भी प्रार्थी श्रमिक को उक्त प्रकार के कृत्य के लिए जो अप्रार्थी नियोजक द्वारा सेवामुक्ति किया गया है वो अनुचित नहीं है और प्रार्थी श्रमिक किसी प्रकार का कोई अनुतोप प्राप्त करने का अधिकारी नहीं है।

परिणामतः भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित रेफ्रेन्स को अधिनिर्णीत कर इस प्रकार उत्तरित किया जाता है कि अप्रार्थी नियोजक, रीजमल मैनेजर, पंजाब नेशनल बैंक, रीजनल ऑफिस, शास्त्री नगर, जोधपुर द्वारा प्रार्थी श्रमिक रंगजी मछार को सेवामुक्ति करना अनुचित एवं अवैध नहीं है और प्रार्थी श्रमिक किसी प्रकार का कोई अनुतोप प्राप्त करने का अधिकारी नहीं है।

के. के. गुप्ता, न्यायाधीश

नई दिल्ली, 16 मार्च, 2006

का. आ. 1394. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 66/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-2006 को प्राप्त हुआ था।

[सं. एल-12012/204/98-आई. आर. (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 16th March, 2006

S.O. 1394.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/99) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, which was received by the Central Government on 14-03-2006.

[No. L-12012/204/98-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE PRESIDING OFFICER : CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

I.D. No. 66/1999

R. N. Rai, Presiding Officer

IN THE MATTER OF:—

Shri Harish Chander Sah,
12/25, Rashtrapati Estate,
Rashtrapati Bhawan,
New Delhi.

Versus

The Deputy General Manager,
Bank of India, Northern Zone,
Industrial Relation Deptt.,
Banergjee Build., 4/21, Asaf Ali Road,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-12012/204/98/IR(B-II): Central Government dt. 24-02-1999 has referred the following point for adjudication.

The point runs as under :—

“Whether the terminating of Shri Harish Chander Sah, staff subordinate attached to Kamla Nagar Branch of Bank of India is justified? If not, what relief the concerned workman is entitled to and from what date?”

The workman applicant has filed claim statement. In the claim statement it has been stated that the workman belongs to the weakest section of the society being a Scheduled and was employed by the opposite party in Subordinate Cadre and was posted in Delhi branches/offices of the Bank from time to time. To augment business of the ‘India Card’ commonly known as plastic currency, the Bank management issued these cards indiscriminately to all the employees and increased the income to the Bank manifold. The Bank Management was so enthusiastic

about increasing the business through ‘India Card’ that initially it did not issue any appropriate guidelines for its use by the employees/customers. In absence of such guidelines, the workman was also issued an India Card in April, 96 and he used the facility for meeting certain domestic requirements.

That, whereas the workman was carrying out his duties satisfactorily without giving any cause for complaint, a Charge Sheet dated 16-10-1996 was issued to him for alleged misuse of ‘India Card’. Since, the acts of workman did not fall in any listed categories of misconducts in Clauses 19.5 or Clause 19.7 of Bipartite Settlement, he was charged under Clause 19.5(j) of Bipartite Settlement dated 19-10-1996. Without giving any opportunity to submit reply to the Charge Sheet, an inquiry was simultaneously instituted vide Order dated 16-10-1996 by appointing an Enquiry Officer.

That the Enquiry Officer held the enquiry on 27-12-1996 and the workman also submitted a written explanation dated 27-12-1996 forming the part of enquiry proceedings. The workman stated that while explaining the circumstances leading to committal of these mistakes he admitted the charges. During the enquiry, the workman was not represented by a Defence Representative. The Enquiry Officer closed the enquiry without appreciating and taking into account the vital fact that so called confession of the workman was to be read along with his written explanation dated 27-12-1996. The Enquiry Officer, thus committed gravest of the error by holding the workman guilty, while returning his findings to the Disciplinary Authority.

That, during pendency of the disciplinary proceedings on the above cause, the Bank Management issued a Suspension Order dated 1-5-1997 levelling 3 different charges against the workman. The Suspension Order was received by the workman after 12 days of its issuance i.e. on 13-5-1997, clearly establishing factum of conspiracy against the workman by certain vested interests. Vide said Order of Suspension, the workman was suspended ‘with effect from the date of the order,’ though, the workman actually attended his duty upto 13-5-1997. The Bank, with a view to further harass and victimize the workman did not pay subsistence allowance despite several oral requests and written letters.

That, after issuance of Suspension Order on 13-5-1997, no Charge Sheet was issued to the workman and the Bank did not at all institute any enquiry into this cause. So much so, that the workman was not even afforded an opportunity to answer the allegations at any stage i.e. neither prior to nor subsequent to Suspension Order.

That, although, the enquiry pertaining to Charge Sheet dated 16-10-1996, was concluded on 27-12-1996, the workman did not receive copy of findings of the Enquiry

Officer, nor any Show Cause Punishment Notice was received by him from the Disciplinary Authority.

That, The Bank issued a Branch Circular No. 91/20 Subject : Personnel/97-98/4 dated 3-5-1997 providing for the first time some guidelines regarding use of 'India Card' by Bank employees. According to this circular, 'India Card' is a 'Charge Card and not a Credit Card' and creation of overdraft in the staff account on account of usage of 'India Card' would amount to act of misconduct and liable for appropriate disciplinary action in terms of paras 19.5(j) or 19.7(d) of Bipartite Settlement. The said circular was also to be brought to notice of all employees against their acknowledgements.

As this Circular was dated 3-5-1997, the case of the workman was not covered by same; as the workman was charge sheeted on 16-10-1996 pertaining to allegations of 14-3-1996 to 16-7-1996.

The Bank, in quick succession, issued another Circular No. 91/91 Subject : General Instructions/97-98/11 dated 20-8-1997 on 'India Card Scheme', inter alia, laying down that in case of misuse, the cards shall be forfeited and an undertaking is to be obtained from the staff members that they are aware of such policy.

The case of the workman was also not covered by this Circular dated 20-8-1997, as he was already Charge Sheeted on 16-10-1996. The guidelines issued vide these two circulars are inapplicable, being subsequent developments. However, the Bank applied these guidelines to great extent in the case of the workman by issuing the Charge Sheet under Clause 19.5(j), to punish him and deprive him of his livelihood.

That, the workman was shocked to receive on 23-10-1997 the Punishment Order dated 29-9-1997 as he was dismissed from service with immediate effect without providing a copy of findings of the Enquiry Officer and second Show Cause Notice. The punishment Order is completely silent on the Suspension Order dated 1-5-1997 and payment of wages for the said period. The Disciplinary Authority also failed to read the confession together with written explanation dated 27-12-1996 of the workman.

The punishment Order is therefore illegal, devoid of truth and was not dictated and finalized by the Disciplinary Authority.

That, extremely aggrieved by the Penalty Order, the workman preferred an Appeal dated 5-12-1997 stating that no misconduct had been committed by the workman within the provisions of Bipartite Settlements and hence he has been wrongly charged. The matter is at the most of civil recovery as it is a charge card and there were no guidelines available to the workman for its usage and the Circulars dated 3-5-1997 and 20-8-1997 are not applicable to his case, being issued much late. The pleas of non-receipt of Enquiry

Report and Show Cause Notice and not affording the personal hearing by the Disciplinary Authority were also raised.

Although, the Appellate Authority wanted to consider the matter and reverse the Penalty Order and also explored the possibility of recovery of outstanding amount, he however, dismissed the appeal vide Appellate Order dated 12-2-1998.

That, the workman also raised an Industrial Dispute vide dated 6-5-1998 which ended in failure due to rigid attitude of Bank Management.

That, in view of the aforesaid, the Claimant Workman has filed this claim on the following grounds that :—

The workman has not committed any misconduct within the meaning of Bipartite Settlements;

The workman was suspended for no case against him and no enquiry was ever conducted in the matter, no subsistence allowance was paid due to ulterior motives;

The Enquiry Officer did not apply his mind while returning his findings to the Disciplinary Authority and drawn an illegal and unsustainable conclusion;

The Bank wrongly relied upon the Circulars which were not in existence at the time to levelling allegations;

The Disciplinary Authority indulged into illegalities by not providing copies of Enquiry Report and second Show Cause Notice before awarding punishment;

The Bank resorted to inflicting of severest of punishment though other alternative punishments were available to it;

The punishment meted out to the workman does not commensurate with the facts and circumstances of the case;

The workman has been victimized due to severe punishment inflicted upon him;

The Management has singled out the workman and dismissed him from service without notice whereas in many case of similar facts, the India Card holders have been awarded much lesser punishments or rather no punishments at all. The workman has been discriminated and has not met equal treatment;

The Management has filed written statement. In the written statement it has been stated that the brief facts in so far as they are relevant to the present dispute are that the management has issued "India Card" to those employees/customers who were having minimum required income per month. The misutilisation of the 'India Card' attracts various penalties under the law and the bank issued various guidelines from time to time in this regard. The claimant did not pay the amount to the bank and had wilfully

mis-utilized the card. The claimant was given enough time as per the circular and guideline to pay the amount utilized by him through the card. The claimant did not show any intention to pay the amount which attracted the provision of the Bipartite Settlement in the Banking industry resulting in disciplinary action against the claimant. The act of misutilization of India Card fall within the category of clause 19.5(j) of Bipartite Settlement. As per this provision, an enquiry was ordered along with the charge sheet. The same was done in the case of the claimant also. Opportunity to give explanation or submit his reply to the charge sheet dated 16-10-1996 was given to the claimant by the Enquiry Officer.

That the enquiry was held on 27-12-1996 and the workman had submitted his written explanation dated 27-12-1996 which is part of the enquiry proceedings. The claimant vide his explanation had accepted the charge levelled against him. He was given an opportunity to be defended by defence representative but he chose not to do so. Since the claimant admitted the charge there was no need to further proceed with the enquiry as on the basis of his admission the charges were held proved by the Enquiry Officer.

That the claimant was issued a copy of the findings along with the show cause notice dated 4-8-1997 and his comments/representation on the findings as well as the proposed punishment was called for the Disciplinary Authority before passing the final order. The claimant was also given an opportunity of personal hearing 19-8-1997 and the same was accepted by the claimant in cross-examination.

That any act which is prejudicial to the interest of the bank is covered under para 19.5(j) of the Bipartite Settlement dated 19-10-1996. Therefore, the claimant was covered under clause 19.5(j) of the settlement. The management bank had issued two circulars only to remind the employees to use the 'India Card' with proper discretion so that not to invite proceeding as several cases were noticed by the management regarding indiscreet and misuse of India Card and the indulgence of it by employee in financial irregularities.

That the claimant appealed before the Appellate Authority and all his pleas were taken into account before disposing of the appeal and the same was dismissed vide order dated 12-2-1998.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman applicant that he was issued India Card commonly known as Plastic Currency. No proper guidelines were issued for its use by the employees/customers. The workman was issued India Card in April, 1996 and he used the facilities for meeting certain domestic requirements. That charge-sheet was issued to him under Clause 19.5(j) of BPS dated 19-10-1996. An inquiry was conducted. Effective opportunity was not afforded to the workman to answer the allegation at any stage. He was dismissed from services. No show cause notice of personal hearing was given to him. The punishment order is disproportionate. The guidelines for use of India Card were issued after the charge sheet. The punishment order is vindictive. He was not paid even suspension allowance. The punishment is not commensurate with the facts and circumstances of the case. He has been singled out and dismissed from services whereas there have been several employees who were punished by withholding one increment for one year for the same misconduct.

It was further stated that inquiry is not proper and according to the principles of natural justice. From perusal of the record it becomes quite obvious that the workman has admitted the charges in clear and categorical terms. In such circumstances no inquiry is needed. The respondents have conducted an inquiry still it is correct that second show cause notice was not given to him. Show cause notice is not mandatory in various circumstances.

The point to be considered, is whether the punishment inflicted on the workman is commensurate with his misconduct. He has been dismissed from service. The workman has filed punishment order page 62. Bank of India dated 16-03-1999, the concerned employee has also misused the India Card and he has drawn money to the tune of Rs. 19,600.68 paise. Charge against him has been framed under para 19.5(j) but he has been awarded the punishment of stoppage of one increment for a period of one year. The workman has filed another punishment order dated 31-03-1999. The workman in the instant case has also drawn excess amount to the tune of Rs. 17,600 in 1997 and he has been also awarded punishment of stoppage on one increment for a period of one year.

It was further submitted that there were no guidelines for the use of India Card at that time. The Bank of India issued guidelines on 3rd May, 1997 for the first time and included misuse of India Card under clause 19.5(j) of the BPS. The second guidelines for use of India Card was issued on 29th August 1997. It was submitted from the side of the workman that there were no guidelines issued by the Bank for the use of India Card. Family circumstances compelled the workman to draw excess amount through India Card.

He was ill and he has to support his family consisting of five children. Circumstances constrained him to draw excess money through India Card. No ceiling was placed on withdrawal through India Card at the time of charge sheet of the workman.

My attention was drawn to AIR 2003 SC 3712. The Hon'ble Apex Court has held that punishment should not be shocking to the conscience of the Court. The Court may direct authority to re-consider the penalty imposed or in rare cases itself impose appropriate punishment. This Tribunal has got jurisdiction to interfere with the punishment imposed u/s 11(a) of the ID Act. It is only to be considered whether the punishment is disproportionate to the misconduct proved. I have already referred to two cases in which employees have drawn excess amount by misusing the India Card but the respondents have inflicted the stoppage of one increment and that too for one year. This workman has committed the same misconduct. In his case the amount overdrawn is a little more than the two cases referred to above. If two employees committing the same misconduct i.e. withdrawing excess amount through India Card have been punished with stoppage of one increment for one year why this employee should be dismissed from service. There is no rationale for inflicting such a severe punishment of dismissal. The workman has simply misused India Card and he was willing to pay back the entire amount in installments. The bank should have afforded him opportunity and sufficient time to pay back the entire amount overdrawn. He was given only 15 days time. It is not possible for an employee to deposit such a huge amount within 15 days. However, this employee has deposited sufficient amount at the time of admission of the charges. Punishment on the very face of it is excessive and disproportionate and not commensurate with the misconduct committed by this workman. He should have been placed in the category of other employees who have misused India Card and his four increments in view of more amount, excess drawn should have been imposed with cumulative effect and he should have been given time to deposit the entire amount with interest. It was necessary for the ends of justice and to avert the economic death of the workman. It appears that the management was not very much pleased with this workman and the attitude of the management was biased so he has been awarded an exemplary punishment. Punishment of stoppage of four increments with cumulative effect is appropriate in the facts and circumstances of the case. The Bank may adjust the entire arrears accrued to the workman against the remaining balance along with the interest of the amount overdrawn by the workman.

The bank in this case has not followed the principles of equality. No discretion is vested with the management to punish the other two employees with stoppage of one increment for one year for the same misconduct and to punish this employee with dismissal. The action of the

bank is not just and equitable. It is arbitrary and unjustified. The workman deserves to be reinstated with stoppage of four increments with cumulative effect.

The reference is replied thus :—

Termination of Shri Harish Chander Sah, Staff subordinate attached to Kamla Nagar Branch of Bank of India is not absolutely justified. The workman is entitled to be reinstated w.e.f. termination of his services with stoppage of four increments with cumulative effect within one month from publication of the award.

Award is given accordingly.

Date : 7-3-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 16 मार्च, 2006

का. आ. 1395.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कॉर्पोरेशन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 8/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-2006 को प्राप्त हुआ था।

[सं. एल-12012/257/99-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 16th March, 2006

S.O. 1395.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 8/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Corporation Bank and their workmen, which was received by the Central Government on 14-03-2006.

[No. L-12012/257/1999-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI

I.D. No. 8/2000

R. N. Rai, Presiding Officer

IN THE MATTER OF :—

Shri Sandeep Kumar.
S/o Shri Jai Bhagwan Sharma.
17/315, Gali No. 3, Mahibir Park,
Bahadurgarh-124 507 (Haryana)

Versus

The Asstt. General Manager,
Regional Office, Corporation Bank,
Arya,
Karol Bagh, New Delhi.

The Senior Manager,
Corporation Bank,
Plot No. 657, Shopping Complex,
Main Rohtak Road,
Mundka, Delhi-110041.

AWARD

The Ministry of Labour by its letter No. 12012/257/99/IR(B-II) Central Government dt. 31-01-2000 has referred the following point for adjudication.

The point runs as under :—

“Whether the action of the management of Corporation Bank in terminating the services of Shri Sandeep Kumar w.e.f. 27-3-1999 is legal and justified? If not, what relief is the workman entitled to?”

The workman applicant has filed claim statement. In the claim statement it has been stated that the above said workman/employee was working with Corporation Bank, Plot No. 657, Shopping Complex, Main Rohtak Road, Mundka, Delhi-110041, the Management herein.

That the workman was appointed as Sub Staff by the Management on 26-3-1998 and the workman has been working on the said post diligently and to best of his ability and honestly and to the satisfaction of the superior officers.

In spite of hard work in the said Bank to the satisfaction of his superior officers by the workman and despite having being no complaint against the workman. The management have not allowed the workman to enter into the premises of the said bank on 27-3-1999 without assigning any reason and said that the workman services were terminated and he is no more required for the said Bank and the management illegally and unlawfully terminated the services of the workman, which is illegal, uncalled for and the arbitrary and the same is also against the principles of natural justice.

That the workman has been working regularly without any interruption or break in service i.e. more than 240 days in a year that the management showing the workman in their record on daily wages basis.

That despite the fact that the workman has completed 240 days in a year of working, he was not absorbed into the department establishment/Bank for which he is legally entitled to.

That moreover, he was being denied his rightful claim, he was not being given the facilities, which is being given to the other employees of the regular cadre. The Constitutional rights of above said workman is being seriously infringed.

That the management has not followed the law of last come first go.

That the workman was the employee in the Corporation Bank/management as per their letter Ref. No. CR/119/98 dt. 10-10-1998.

That the management is guilty of not following the guidelines in regularizing the services of the workman after competition of 240 days in a year.

The Management has filed written statement. In the written statement it has been stated that the present claim statement has been failed on mis-statement of the factual position and the same is liable to be dismissed on this ground alone.

That the workman has not approached this Hon'ble Court with clean hands. The statement of claim is liable to be dismissed on this ground alone.

That the Corporation Bank is a Nationalised Bank and is a State within the purview of Article 12 of the Constitution of India and its employee are considered as public servants.

That since nationalization of the bank in 1980 the recruitment of clerical and officers category of personnel the services of the bank is made through the medium of Banking Services Recruitment Board (BSRB). As far as the recruitment to subordinate cadre (Peons, Sweepers etc.) is made through the Employment Exchange.

That the Central Govt. from time to time issues directions for the recruitment of subordinate cadre to the nationalized banks. The Corporation Bank has formulated a set of guidelines for the recruitment of the said cadre in line with the directions of the Central Govt. in this regard. In view of the above said the branches/offices of the Corporation Bank have to recruit the Candidates branches/offices of the Corporation Bank have to recruit the candidates for sub-staff posts from the list sponsored by the Employment Exchange. As per the bipartite settlement applicable to the bank temporary employees may be engaged for a limited period which is essentially of a temporary nature or for temporary increase in the work of a permanent nature or in a temporary vacancy caused by the absence of a particular permanent employee. The temporary employees may also be engaged against a permanent vacancy as a stop gap arrangement pending the recruitment of regular sub staff inconsonance with the guidelines formulated for the recruitment of sub staff. The answering respondent craves leave of this Hon'ble Tribunal for the

production of the above mentioned guidelines for the recruitment of subordinate cadre at the time of arguments.

That the Mundka Branch of the Corporation Bank was opened on 26-3-1998. In order to meet the immediate requirement the branch had to make some contingent arrangements for meeting its basic skeletal needs concerning sub staff assistance. It is pertinent to mention here that the temporary/regular appointment through the Employment Exchange is a time consuming process, the branch had to engage minimum number of workers on casual daily wages basis as a stop gap arrangement to meet contingency/needs. Once the selected candidates are made available from the list of candidate's sponsored by the Employment Exchange, the branch discontinues the stop gap arrangement. It is most humbly submitted that the engagement of workman on casual basis for a limited period does not confer any right for permanent employment in the bank and this type of casual daily rated appointment cannot be a conduct pipe for regular appointment.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted that the workman has completed 240 days work in a year still he was not given one month's pay in lieu of notice and retrenchment compensation. He made several representations for making him a regular and permanent employee and to provide him all the benefits to permanent employees but the management did not pay any heed to the representations of the workman.

It was submitted from the side of the management that the workman was engaged as a stop gap arrangement pending the recruitment of regular sub-staff in consonance with the guidelines formulated for the recruitment of sub-staff. It was submitted from the side of the management that the branch was newly opened and selection was still to be made so he was engaged till regular selection is completed.

It was further submitted that the workman has not worked for 240 days. It is the duty of the workman to discharge this burden. Mere filing of affidavit and stating therein that he has worked for more than 240 days is not sufficient. He has to prove it by independent evidence other than his affidavit. The workman has not succeeded in proving that he has worked for 240 days continuously. He has filed only vouchers of two or three payments. These vouchers relate to two or three months' payment. He has

not filed any scrap of document regarding his engagement for 140 days. He has even admitted in his cross-examination that he has not placed on the record any proof of working of 240 days. In the absence of documents it is held that the workman has not completed 240 days work and hence he is not entitled to get any relief. The law cited by the workman is not applicable in the facts and circumstances of the present case.

The reference is replied thus :—

The action of the Management of Corporation Bank in terminating the services of Shri Sandeep Kumar w.e.f. 27-03-1999 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Date : 8-3-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 16 मार्च, 2006

का. आ. 1396.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सादर रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या 33/2003 एण्ड 34/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-2006 को प्राप्त हुआ था।

[सं. एल-41012/7/2003-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th March, 2006

S.O. 1396.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 33/2003 and 34/2003) of the Central Government Labour Court. Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Railway and their workman, which was received by the Central Government on 16-3-2006.

[No. L-41012/7/2003-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM (IN THE LABOUR COURT, ERNAKULAM)

(Tuesday the 31st day of December 2005)

PRESENT:

Sri K. K. Utharan, B.Sc., LL.B., Presiding Officer

Industrial Dispute No. 33/2003 & 34/2003 (Central)**BETWEEN**

The Divisional Personnel Officer, Southern Railway,
Trivandrum-683001

AND

The workman of the above concern represented by
the Divisional Secretary, Southern Railway
Employees Sangh, Thorat House, Mamala,
Tiruvankulam-682305.

REPRESENTATIONS:

Sri M. C. Cherian,
Advocate,
Ernakulam, ... For Management

Sri P. C. Sebastian,
Advocate,
Ernakulam, ... For Union

COMMON AWARD

Both I. Ds. 33/2003 and 34/2003(C) were tried jointly
as the dispute involved in both Industrial Disputes as
similar and passed a common award.

Industrial Dispute No. 32/2003(C)

This reference was made by the Central Government
as per Order No. L-1012/7/2003 [IR(B-I)] dated 27-5-2003.
The dispute is between the management of Southern
Railway and their workman. The dispute referred is:

"Whether the denial of regularisation and seniority
from the date of promotion to Shri K. P. John,
Sr. Commercial Clerk, Aluva by the management of
Southern Railway, Trivandrum is fair proper and
justified? If not what relief the workman is entitled
to?"

3. The union filed claim statement raising the
following: Sri K. P. John, Sr. Commercial Clerk Southern
Railway Aluva, the workman in the above I. D. is a member
of the above Union represented by the undersigned who
is the Divisional Secretary of the Union.

The workman above mentioned joined the regular
service in Southern Railway Trivandrum in the Group D
Cadre and was working as Sub Luggage Porter in the pay
scale of Rs. 196-232 from 01-10-77.

Under Para 189(a) of the Indian Railway Establishment
Manual (IREM—for short) 33 $\frac{1}{3}$ % of the vacancies in the
lowest grade of Commercial Clerks, Ticket Collectors, Train
Clerks, Number Takers, Time Keepers etc., which are all in

Group 'C' category is earmarked for the promotion of Group
'D' employees. The promotion is on the basis of a selection
by holding a written and oral test for assessing their
suitability with reference to their knowledge in English and
general standard of intelligence. All those qualify in written
and oral test should be arranged in the order of their
seniority for promotion against vacancies available for them
in Group 'C' Categories.

In accordance with the provisions of the recruitment
rules cited above the workman Shri K. P. John underwent
the selection proceedings conducted by a duly constituted
Selection Board and was selected and kept on the panel of
Commercial Clerks as per letter No. V/P-531/III/1 dated
24-8-81 of the D. P. O. Trivandrum, the employer above.
Thereafter vide order No. C32/81/TC dated 8-9-81 he was
promoted and posted as Commercial Clerk in the scale of
Rs. 260-430 (pre revised), subject to the condition that
should be successfully undergo the prescribed training.
Shri K. P. John the workman is working in the promotion
post continuously from 17-9-81 in terms of the said order.
A true copy of the said order is produced herewith and
marked as Exhibit-W1.

The workman was sent for training in the year 1982
and he could not come out successful in the training even
after availing the prescribed number of chances. He was
therefore sought to be reverted as Group 'D'. The
reversion order was challenged before the Central
Administrative Tribunal in O. A. No. TAK 272/87 and
Hon'ble C.A.T. directed the Management as per order dated
4-12-89 to afford the workman one more chance to undertake
training and in case he come out successful he should be
considered for regularisation as Commercial Clerk which
he was holding since the year 1981. Accordingly the
workman was sent for training and he successfully
completed the training. However the workman was given
regularisation with effect from 26-5-90 only and was
assigned seniority from that date only with the result his
juniors in the cadre stole a march on him and secured next
promotion above him.

Aggrieved by the denial of due regularisation
seniority and consequential benefits to the workman
approached the Hon'ble C.A.T. in O. A. No. 536/93 and the
Hon'ble Tribunal as per order dated 27-1-94 was pleased to
direct the respondent (D. P. O. herein) to consider his
representation. However, the D. P. O. (employer herein)
rejected his claim stating that as per para 303 of IREM Vol.
I those who pass examination later will be granted junior to
those who pass the examination earlier. Against the
rejection order to the workman filed an appeal to the higher
authority (Chief Personnel Office S. Rly Madras) on
13-3-95 without avail. Hence the above I. D. has been raised
by the Union.

It is submitted that workman Sri K. P. John who has been continuously working as Commercial Clerk with effect from 17-09-2001 after having been duly selected for promotion has been denied regularisation and seniority in a highly unjust, arbitrary and illegal manner, and against the extant rules and the order of the Hon'ble C.A.T. Ernakulam. The employer has denied workman's legitimate rights for regularisation and seniority under para 303 of IREM which para is applicable only to the direct recruit and not to the promoted employees, who are governed by paras 315 of IREM. Passing of the examination connected with the training has nothing to do with the seniority which follows the date of promotion as per recruitment rules. Since workman was promoted as per the extant rules and was appointed in the promotion post continuously without any break he is entitled to be treated to have seniority from the date of his initial appointment in the promoted post with all consequential benefits which includes further promotion to next higher grade which is based on the length of service, at least from the date of promotion of his junior if not earlier.

It is therefore humbly prayed that this Hon'ble Court may be pleased to adjudicate the issues in the above I. D. in favour of the workman.

4. The Management filed written statement raising the following : At the outset it is submitted that the I. D. is liable to be dismissed in limini, as the proper and necessary parties have not been impleaded and due to incompetency, lack of jurisdiction etc. as indicated below. Sri K. P. John referred to in the I. D. is a Government Servant under Union of India, owning Railway Administration. Therefore it is necessary that Union of India, should have been impleaded as required under law. The competency and entitlement of the union to raise such a I. D. on behalf of a Civil Servant like K. P. John is also not admitted. It is also submitted that he is governed by the statutory rules pertaining to such civil servants, and grievances regarding non-compliances of any such rules or violation, if any, of any such rules, are to be agitated before the Forums and Tribunals prescribed for that purpose such as, Central Administrative Tribunal, Hon'ble High Court etc.

It is also submitted that the order referring the above I. D. for adjudication by this Hon'ble Court and the steps/proceedings for such adjudication itself is barred by res judicata. In fact the very same subject has been agitated before the Hon'ble CAT/Ernakulam through O. A. No. 536/93 and adjudicated by the said Tribunal. The directions in the said case been duly complied with by the Railway. Under such circumstances, the above I. D. is liable to be dismissed due to bar of res judicata and estoppel.

Without prejudice to which is stated above, it is submitted that all the statements and allegations contained in the claim statement, except those, which are specifically admitted hereunder, are denied.

The employee Sri K. P. John was initially engaged as Sub Luggage Porter in scale Rs. 196-232 from 21-7-1976, granted temporary status from 21-11-1976 and appointed against regular post of Sub Luggage Porter in scale Rs. 196-232 from 1-10-1977 on compassionate grounds. While working as such he was selected by the duly constituted selection committee for absorption as Commercial Clerk in Group 'C' post in scale Rs. 260-430 against 33 1/3% of vacancies reserved for Group 'D' staff for whom where there is avenue of promotion in the normal channel exists. This is in terms of the provisions contained in Para 189 of IREM Vol. I (Paragraph 110 of IREM—1968 Edn).

Since the said employee thus came out successful in the selection against 33 1/3% quota earmarked for group 'D' staff as laid on Para 189 of IREM Vol. I, he was posted as Ad hoc Commercial Clerk in scale Rs. 260-430 from 17-9-81 vide this office Order No. 32/1981 dated 8-9-81 on clear condition that this continuance in the higher grade is subject to passing the requisite training at the Zonal Training School, Trichy as a pre-condition for fitting against the post of Commercial Clerk. This will be clear from the said order served on the employee Sri K. P. John. He was then sent for initial training at Zonal School, Trichy, on 29-3-82 and 26-10-82. But he did not attend the training. Therefore as a first chance he was sent for training on 22-3-83 when he secured only 90 marks which is below pass marks. Therefore he was again sent for second time on 19-7-83. In the second chance also he could score only 86 marks. As he failed to pass in the two chances, he was reverted to the parent cadre as Retiring Room Attendant vide this order No. V/P 673/III Vol. 2 dated 20-6-83 in scale Rs. 196-232. Aggrieved by the above orders, he moved before the Hon'ble High Court through O. P. 5341 of 1983 and as per the order dated 21-6-83, he was allowed to continue as Ad hoc Commercial Clerk in scale Rs. 260-430. Based on the final orders of the Hon'ble High Court dated 4-6-89 he was given one more chance to attend training at Zonal Training School, Trichy from 26-2-1990 to 25-5-1990. On successful completion of the said training with 133 marks, he was absorbed as regular Commercial Clerk from 25-5-1990. His seniority has been assigned from 25-5-1990, on the basis of such promotion.

The said employee Sri K. P. John has challenged the order assigning seniority etc. by filing O. A. No. 536/1993 before the Hon'ble CAT/Ernakulam. The O. A. was disposed of with direction and the said direction was duly complied with by disposing of the representation of the employee, as per letter dated 23-12-1994. In the said letter it was categorically stated that the seniority has been fixed by the Administration on the basis of the provisions contained in Para 303 of IREM (Vol. I), which specifically provide that the seniority those who pass in the subsequent chances will rank junior to those who pass in the earlier examination.

The said employee has not challenged the said letter/order dated 23-12-1994. It has thus become final. He has no case that the Hon'ble CAT has not correctly disposed of O.A. No. 536/93. If he had any grievance against the order of CAT, he should have filed appeal against it. Without resorting to any such course, he has conceded to the order/judgment of CAT, and has also abided by the order dated 23-12-1994 passed by Railway, consequent on the directions in the order of CAT. Being so he is barred and estopped from agitating the very same issue indirectly by means of the above I.D. In this connection it is also pertinent to note that the seniority position and claim of seniority over others can be challenged in any proceedings, only by impleading the persons against whom the seniority is claimed also. However, the above I.D. the claim of seniority of the employee Sri K. P. John over others, is challenged, without such affected parties in the party array. The above I.D. is liable to be dismissed on the said ground also.

There is nothing wrong in fixing the seniority of the employee with effect from the date on which he has actually passed the examination and has become eligible for regular absorption as Group 'C' employee. This was on 25-5-1990. All those who have passed the examination prior to that are entitled to be his seniors. The provision contained in Para 303 of IREM (Vol. I) mandate that. The other provisions viz. Para 315 of IREM (Vol. I) referred to by the Union is in respect of fixation of seniority of employees, in a non-selection post, wherein staff are promoted on the basis of seniority-cum-suitability assessed through departmental examination trade test and not on the basis of selection as in the case of a selection post. This being the position, Para 315 is not applicable to the employee concerned.

Facts being as above, the statement and allegations contained in Para 2 to 8 of the claim statement are misleading mostly incorrect and are denied. The true factual and legal position has been detailed in Para 1 to 7 above.

For the reasons stated above, it is humbly prayed that the above I.D. may kindly be dismissed.

5. The union filed rejoinder raising as follows : The averments and conditions raised in para 1 of the written objection as regards the maintainability of the above I.D. are unsustainable. The I.D. has been raised on behalf of an employee in the Railway which is an industry coming under the purview of Industrial Disputes Act and the union is very much competent and entitled to raise the I.D. The jurisdiction of this Court for adjudication of the matter raised in the above I.D. has not been excluded by the enactment of Administrative Tribunals Act 1985 for the creation of Central Administrative Tribunal.

As regards the averments in para 2 of the written objection it is submitted there is no merit in the same. Since the matter was not adjudicated by the Hon'ble Central Administrative Tribunal, Ernakulam in O.A. 536/93, The said O.A. was disposed of directing the respondent to

consider and pass appropriate orders on the representative of the applicant. Hence there is no bar of res judicata or estoppel.

With reference to the averments contained in paras 4 and 5 of the written objection it is submitted that K. P. John along with other eligible conditions were selected by a duly constituted Selection Board for again 1/3rd quota of vacancies in the Class 'C' cadre consisting of commercial clerks, ticket collectors and train clerks set apart for the Group 'D' officials placed in a penal in the order of seniority for consideration for promotion as ticket collectors and train clerks, as per DPO Trivandrum Letter No. V/P 53 I/III/I dated 24-08-81 against vacancies raising upto 31-4-1982. However since adequate number of vacancies in the said cadre was not available willingness were called for posting as commercial clerks. K. P. John was thus promoted and posted as Commercial Clerk with effect from 24-9-1981 as per office Order No. C. 32/81/TC dated 8-9-1981 of DPO Trivandrum. The said promotion was provisional subject to the condition of the successful completion of the prescribed training. K. P. John continued as such until he completed the training successfully on extended chances at the intervention of the Hon'ble High Court and the Central Administrative Tribunal Ernakulam. He was never reverted from the promotion post. Hence he is entitled to be regularised in the promoted post from the date of his promotion i.e. with effect from 24-9-1981.

As regards the averments in para 6 and 7 of the written objection it is submitted that the contentions raised therein for denying the promotion benefits to the workman is question are unsustainable on law. Though the Hon'ble C.A.T. as per judgment in O. A. 536/93 directed the employer to consider the representation of the applicants, the employer did not redress their grievance but rejected the representation citing irrelevant and inapplicable rules. It is submitted that the employer's stand but seriously of the employer promoted to the commercial clerks cadre against the 1/3rd quota is with effect from the date on which he passed the examination is misconceived. Rule 303 of IREM is concerned with the seniority of candidates recruited directly through Railway Recruitment Board or any other recruiting authority. In other words the said rule is applicable to direct recruits not to promotees like the employee in the dispute. Passing the examination connected to the training is not a precondition for the promotion of the Group D employees selected on the basis of a departmental examination and viva voce against the 1/3rd quota of commercial clerks under para 189 of IREM successful competition of the presented training may be condition of their confirmation in the promoted post, but not for seniority. Seniority in such cases as stipulated in para 302 of IREM is governed by the date of appointment in the cadre. The employee in the instant dispute was promoted after due selection process. In the instant dispute, the claim is for regularisation of the promotion from the date of initial

appointment with consequential benefits and not against any other employee. Hence there is no need to implead any other employee.

The Employer's contention in the written statement that the post of commercial clerk is selection post is not supported by any rule or order as required by the Definitions in para 11 of the IREM according to which selection posts are posts, grades or classes which have been declared as such by the Railway Board to which promotion as per procedure in force for filling up selection posts. Though promotion of Group 'D' employees against 1/3rd quota is on the basis of a selection process consisting of departmental test and interview it does not the selection procedure prescribed for a selection post. Sub para of para 189 of IREM makes the position very clear stipulating that all those who qualify in written and oral test obtaining the prescribed qualifying marks should be arranged in the order of their seniority for promotion against the yearly vacancies available of them in Group 'C' categories. Evidently merit in the exam is not the criteria for promotion, the test is only a means to select suitable candidates for the higher post. The said rule does not stipulate passing of this examination connected with the training a precondition for promotion. Hence there is no merit in the condition of the employer for denying the workman regularisation of his promotion from the date of initial appointment.

1. D. 34/2003(C)

6. This reference was made by the Central Government as per Order No. L-41012/11/2003-IR (B. I.) dated 27-5-2003. The dispute is between the Management of Southern Railway and their workman. The dispute referred is :

"Whether the denial of regularisation and seniority from the date of promotion to Shri K. V. Venugopal, Sr. Commercial Clerk, Thrissur by the management of Southern Railway, Trivandrum is fair, proper and justified? If not, what relief the workman is entitled to?"

7. The Union filed claim statement raising the following : Sri K. V. Venugopalan Sr. Commercial Clerk Southern Railway, Thrissur the workman in the above I. D. is a member of the above Union represented by the undersigned who is the Divisional Secretary of the Union.

The workman above mentioned joined the regular service in Southern Railway Trivandrum in the Group 'D' cadre and was working as Sub Luggage Porter in the pay scale of Rs. 196-232 from 1-10-1977.

Under para 189(a) of the Indian Railway Establishment Manual (IREM—for short) 33-1/3% of the vacancies in the lowest grade of Commercial Clerks, Ticket Collectors, Train Clerks, Number Takers, Time Keepers etc., which are all in Group 'C' category, is earmarked for the promotion of Group

'D' employees. The promotion is on the basis of a selection by holding a written and oral test for assessing their suitability with reference to their knowledge in English and General standard of intelligence. All other quality in written and oral test should be arranged in the order of their seniority for promotion against vacancies available for them in Group 'C' Categories.

In accordance with the provisions of the recruitment rules cited above the workman Shri K. V. Venugopalan underwent the selection proceedings conducted by a duly constituted Selection Board and was selected and kept on the panel of Commercial Clerks as per letter No. V/P-531/111/1 dated 24-8-1981 of the D. P. O. Trivandrum, the employer above. Thereafter vide Order No. C. 32/81/TC dated 8-9-1981 he was promoted and posted as Commercial Clerk in the scale of Rs. 260-430 (pre revised), subject to the condition that should be successfully undergo the prescribed training. Shri K. V. Venugopalan the workman is working in the promotion post continuously from 26-09-1981 in terms of the said order. A true copy of the said order is produced herewith and marked as Exhibit-W1.

The workman was sent for training in the year 1982 and he could not come out successful in the training even after availing the prescribed number of chances. He was therefore sought to be reverted as Group 'D'. The reversion order was challenged before the Central Administrative Tribunal in O. A. No. TAK 272/87 and Hon'ble C.A.T. directed the Management as per order dated 4-12-1989 to afford the workman one more chance to undertake training and in case he come out successful he should be considered for regularisation as Commercial Clerk which he was holding since the year 1981. Accordingly the workman was sent for training and he successfully completed the training. However the workman was given regularisation with effect from 16-8-1988 only and was assigned seniority from that date only with the result his juniors in the cadre stole a march on him and secured next promotion above him.

Aggrieved by the denial of due regularisation seniority and consequential benefits to the workman approached the Hon'ble C.A.T. in O. A. No. 536/93 and the Hon'ble Tribunal as per order dated 27-01-1994 was pleased to direct the respondent (D. P. O. herein) to consider his representation. However, the D. P. O. (employer herein) rejected his claim stating that as per para 303 of IREM Vol-I those who pass examination later will be ranked junior to those who pass the examination earlier. Against the rejection order to the workman filed an appeal to the higher authority (Chief Personnel Officer, South Railway, Madras) on 13-3-1995 without avail. Hence the above I. D. has been raised by the union.

It is submitted that workman Shri K. V. Venugopalan who has been continuously working as Commercial Clerk with effect from 16-8-1988 after having been duly selected for promotion has been denied regularisation and seniority

in a highly unjust, arbitrary and illegal manner, and against the extant rules and the order of the Hon'ble C.A.T. Ernakulam. The employer had denied workman's legitimate rights for regularisation and seniority under para 303 of IREM which para is applicable only to the direct recruit and not to the promoted employees, who are governed by paras 315 of IREM. Passing of the examination connected with the training has nothing to do with the seniority which follows the date of promotion as per recruitment rules. Since workman was promoted as per the extant rules and was appointed in the promotion post continuously without any break he is entitled to be treated to have seniority from the date of his initial appointment in the promoted post with all consequential benefits which includes further promotion to next higher grade which is based on the length of service, at least from the date of promotion of his junior if not earlier.

It is therefore humbly prayed that this Hon'ble Court may be pleased to adjudicate the issues in the above I. D. in favour of the workman.

8. The Management filed written statement raising the following : At the outset it is submitted that the I. D. is liable to be dismissed in limine, as the proper and necessary parties have not been impleaded and due to incompetency, lack of jurisdiction etc. as indicated below. Sri K. V. Venugopal referred to in the I. D. is a Government Servant under Union of India, owing Railway Administration. Therefore it is necessary that Union of India, should have been impleaded as required under law. The competency and entitlement of the Union to raise such an I. D. on behalf of a Civil Servant like Sri K. Venugopal is also not admitted. It is also submitted that he is governed by the statutory rules pertaining to such civil servants, and grievances regarding non-compliances of any such rules or violation, if any, of any such rules, are to be agitated before the Forums and Tribunals prescribed for that purpose such as Central Administrative Tribunal, Hon'ble High Court etc.

It is also submitted that the order referring the above I. D. for adjudication by this Hon'ble Court and the steps proceedings for such adjudication itself is barred by res-judicata. In fact the very same subject has been agitated before the Hon'ble CAT/Ernakulam through O. A. No. 536/93 and adjudicated by the said Tribunal. The directions in the said case been duly complied with by the Railway. Under such circumstances, the above I. D. is liable to be dismissed due to bar of res-judicata and estoppel.

Without prejudice to what is stated above, it is submitted that all the statement and allegations contained in the claim statement, except those, which are specifically admitted hereunder, are denied.

The employee Sri K. V. Venugopal was initially engaged as Sub Luggage Porter in scale Rs. 196-232 from 12-3-73, granted temporary status from 12-7-73 and appointed against regular post of Sub-Traffic Porter in scale

Rs. 196-232 from 16-11-75. He was promoted as Points Man 'B' in scale Rs. 200-250 from 11-2-78. While working as such he was selected by the duly constituted selection committee for absorption as Commercial Clerk in Group 'C' post in scale Rs. 260-430 against 33-1/3% vacancies reserved for Group 'D' staff for whom where there is no avenue of promotion in the normal channel exists. This is in terms of the provisions contained in Para 189 of IREM Vol. I (Paragraph 110 of IREM 1968 EDN).

Since the said employee thus came out successful in the selection against 33-1/3% quota earmarked for group D staff as laid on Para 189 of IREM Vol. -I, he was posted as Ad hoc Commercial Clerk in scale Rs. 260-430 vide office Order No. 32/1981 dated 8-9-81 on clear condition that this continuance in the higher grade is subject to passing the requisite training at the Zonal Training School, Trichy as a pre-condition for fitting against the post of Commercial Clerk. This will be clear from the said order served on the employee Sri K. V. Venugopal. He was then sent for initial training at Zonal School, Trichy, on 29-3-82, but he could not come out successful in the first chance. Therefore he was again sent for second time from 29-10-82. In the second chance also he could not come out successful. As he failed to pass in the two chances he was reverted to the parent cadre as Retiring Room Attendant vide office order dated 5-3-83 in scale Rs. 196-232. Aggrieved by the above orders, he moved before the Hon'ble High Court through O. P. 2193 of 1983 and as per the interim order, he was allowed to continue as Ad hoc Commercial Clerk in Scale Rs. 260-430. Based on the final orders of the Hon'ble High Court in the said O. P. he was given one more chance to attend training at Zonal Training School, Trichy. On successful completion of the said training with 103 marks, he was absorbed as regular Commercial Clerk from 16-8-88. His seniority has been assigned from 16-8-88, on the basis of such promotion.

The said employee Sri K. V. Venugopal has challenged the order assigning seniority etc. by filing O. A. No. 53/1993 before the Hon'ble CAT/Ernakulam. The O. A. was disposed of with direction and the said direction was duly complied with by disposing of the representation of the employee, as per letter dated 23-12-1994. In the said letter it was categorically stated that the seniority has been fixed by the Administration on the basis of the provisions contained in Para 303 of IREM (Vol. I) which specifically provide that the seniority of those who pass in the subsequent chances will rank junior to those who pass in the earlier examination. The said employee has not challenged the said letter/order dated 23-12-1994. It has thus become final. He has no case that the Hon'ble CAT has not correctly disposed of O. A. No. 536/93. If he had any grievance against the order of CAT, he should have filed appeal against it. Without resorting to any such course, he has conceded to the order/judgment of CAT, and has also abided by the order dated 23-12-1994 passed by Railway, consequent on the directions

in the order of CAT. Being so he is barred and estopped from agitating the very same issue indirectly by means of the above I. D. In this connection it is also pertinent to note that the seniority position and claim of seniority over others can be challenged in any proceedings, only by impleading the persons against whom the seniority is claimed also. However, the above I. D. the claim of seniority of the employee Sri K. V. Venugopal over others, challenged, without such affected parties in the party array. The above I. D. is liable to be dismissed on the said ground also.

There is nothing wrong in fixing the seniority of the employee with effect from the date on which he has actually passed the examination and has become eligible for regular absorption as Group 'C' employee. This was on 16-8-88. All those who have passed the examination prior to that are entitled to be his seniors. The provision contained in Para 303 of IREM (Vol. I) mandate that. The other provisions viz. Para 315 of IREM (Vol. I) referred to by the Union is respect of fixation of seniority of employees, in a non-selection post, wherein staff are promoted on the basis of seniority cum suitability assessed through departmental examination/trade test and not on the basis of selection as in the case of a selection post. This being the position, Para 315 is not applicable to the employee concerned.

Facts being as above, the statement and allegations contained in Para 2 to 8 of the claim statement are misleading, mostly incorrect and are denied. The true factual and legal position has been detailed in Para 1 to 7 above.

For the reasons stated above, it is humbly prayed that the above I. D. may kindly be dismissed.

9. The Union filed rejoinder raising as follows: The averments and conditions raised in Para 1 of the written objection as regards the maintainability of the above I. D. are unsustainable. The I. D. has been raised on behalf of an employee in the Railway which is an industry coming under the purview of Industrial Disputes Act and the union is very much competent and entitled to raise the I. D. The jurisdiction of this Hon'ble court for adjudication of the matter raised in the above I. D. has not been excluded by the enactment of 'Administrative Tribunals Act 1965' for the creation of Central Administrative Tribunal.

As regards the averments in Para 2 of the written objection it is submitted there is no merit in the same. Since the matter was not adjudicated by the Hon'ble Central Administrative Tribunal Ernakulam in O. A. 536/93. The said O. A. was disposed of directing the respondent to consider and pass appropriate orders on the representative of the applicant. Hence there is no bar of res judicata or estoppel.

With reference to the averments contained in paras 4 and 5 of the written objection it is submitted that K. V. Venugopalan along with other eligible conditions were selected by a duly constituted Section Board for promotion

against 1/3rd quota of vacancies in the Class 'C' cadre consisting of commercial clerks, tickets collectors and train clerks set apart for the Group I officials placed in a panel in the order of seniority for consideration for promotion as ticket collectors and train clerk as per DPO Trivandrum Letter No. V/P 531/III/1 dated 24-8-81 against vacancies raising upto 31-3-1982. However since adequate number of vacancies in the said cadre was not available willingness were called for posting as commercial clerks. K. V. Venugopalan was thus promoted and posted as commercial clerk with effect from 24-9-1981 as per office order No. C. 32/81/TD dated 8-9-1981 of DPO Trivandrum. The said promotion was provisional subject to the condition of the successful completion of the prescribed training K. V. Venugopal continued as such until he completed the training successfully on extended chances at the intervention of the Hon'ble High Court and the Central Administrative Tribunal Ernakulam. He was never reverted from the promotion post. Hence he is entitled to be regularised in the promoted post from the date of his promotion i.e. with effect from 24-9-81.

As regards the averments in paras 6 and 7 of the written objection it is submitted that the contentions raised therein for denying the promotion benefits to the workman in question are unsustainable on law. Though the Hon'ble CAT as per judgment in O. A. 536/93 directed the employer to consider the representation of the applicants, the employer did not redress their grievance but rejected the representation citing irrelevant and inapplicable rules. It is submitted that the employer's stand but seniority of the employer promoted to the commercial clerk cadre against the 1/3rd quota is with effect from the date on which he passed the examination is misconceived. Rule 303 of IREM is concerned with the seniority of candidates recruited directly through Railway Recruitment Board or any other recruited authority. In other words the said rule is applicable to direct recruits not to pronotices like the employee in the dispute. Passing the examination connected to the training is not a precondition for the promotion of the Group D employees selected on the basis of a departmental examination and viva voce against the 1/3rd quota of commercial clerks under para 189 of IREM, successful completion of the presented training may be condition of their confirmation in the promoted post, but not for seniority. Seniority in such cases as stipulated in para 302 of IREM is governed by the date of appointment in the cadre. The employee in the instant dispute was promoted after due selection process. In the instant dispute the claim is for regularisation of the promotion from the date of initial appointment with consequential benefits and not against any other employee. Hence there is no need to implead any other employee.

The Employer's contention in the written statement that the post of commercial clerk is selection post is not supported by any rule or order as required by the definitions

in para all of the IREM according to which selection posts are posts, grades or classes which have been declared as such by the Railway Board to which promotions are made on the basis of a positive act of selection as per procedure in force for filling up selection posts. Though promotion of Group 'D' employees against 1/3rd quota of is on the basis of a selection process consisting of departmental test and interview it does not the selection procedure prescribed for a selection post. Sub para of para 189 of IREM makes the position very clear stipulating that all those who qualify in written and oral test obtaining the prescribed qualifying marks should be arranged in the order of their seniority for promotion against the yearly vacancies available of them in Group 'C' Categories. Evidently merit in the exam is not the criterion for promotion, the test is only a means to select suitable candidates for the higher post. The said rule does not stipulate passing of this examination connected with the training a precondition for promotion. Hence there is no merit in the condition of the employer for denying the workman regularisation of his promotion from the date of initial appointment.

10. No oral evidence adduced in this case. The evidence in this case consists of W1 to W3 on the side of the union.

11. The points arise for consideration are as follows :—

1. Whether the industrial dispute are maintainable ?
2. Whether the denial of regularisation and seniority to the employees Sri K. P. John and Sri K. V. Venugopalan from the date of their promotion as commercial clerk is fair, proper and justifiable ?
3. If not, what relief the employees K. P. John and K. V. Venugopalan entitled to ?

12. **Point No. 1 :** The management Railway has contended that these I. Ds. are not maintainable as this court has no jurisdiction and that these I.Ds. are barred by res judicata and estoppel and that a union is not competent to raise the industrial dispute. The Railway is an industry coming under the purview of Industrial Disputes Act and as such this court is competent to adjudicate the matter. Section 28 of the Administrative Tribunals Act 1985 has saved the jurisdiction of this court in respect of Central Government Employees. Section 28 of the Administrative Tribunal Act 1985 reads as follows :—

"28 Exclusion of jurisdiction of Courts except the Supreme Court

On and from the date from which any jurisdiction, powers and authority becomes exercisable under this Act by a Tribunal in relation to recruitment and matters concerning recruitment to any service or post or service

matters concerning members of any service of persons appointed to any service or post, not court except :—

- (a) the Supreme Court or
- (b) any Industrial Tribunal Labour Court or other authority constituted under the Industrial Disputes Act 1947, (14 of 1947) of any other corresponding law for the time being in force.

Shall have or be entitled to exercise any jurisdiction powers or authority in relation to such recruitment or matters concerning such recruitment or such service matters.

13. The dispute is regarding the regularisation and seniority of 2 Railway Employees who are the workman in these cases. The union has raised the dispute and Central Government has referred the said dispute for adjudication to this court under Section 10 sub-section (1) clause (d) and sub section 2(a) of the Industrial Disputes Act 1947. Under section 11 of the Industrial Disputes Act this court has power to adjudicate the dispute. The union has raised the dispute on behalf of the employees in the Railways which is an industry coming under the purview of Industrial Disputes Act and the union is very much competent and entitled to raise and Industrial Dispute. Therefore the union is competent and entitled to raise Industrial Dispute on behalf of the employees. Regarding the contention of the management that the Industrial Disputes are barred by res judicata as the matter was involved in Central Administrative Tribunal in O. A. 536/1993. The industrial dispute was not adjudicated by the Central Administrative Tribunal in O. A. 533/93. The above O. A. was disposed of by the Central Administrative Tribunal directing the respondents (Management Railways) to consider and pass appropriate orders on the representations of the applicants who are the workmen in these I. Ds. So these I. Ds are not barred by res judicata or estoppel. Therefore I find that these I. Ds are maintainable in law.

14. **Point Nos. 2 and 3 :** Admittedly both Sri K. P. John and K. V. Venugopalan, the employees involved in I. D. 33/03(C) and 34/03(C) respectively were Group 'D' Employees of Southern Railway. Group D Employees have been provided promotional opportunities to Group-C cadre. As per Rules 1/3 of the vacancies in the cadre of Commercial Clerk in Group-C is reserved for the promotion from Group D. The method of promotion is selection by a duly constituted selection committee on passing departmental tests conducted for il. purpose. Both these employees appeared for the selection test on 3-8-1980 and were declared successful as per memo No. V/P 531/III dated 24-8-1981. The workman Sri K. P. John is serial No. 48 and workman Sri K. V. Venugopalan is serial No. 17 in the said memo. Thereafter as per Ext. W1 order No. C. 32/81/TC dated 8-9-1981 of the Divisional Office, Personnel Branch, Trivandram of the Management Railway. The above said 2 employees were promoted and posted as commercial clerks

in the scale of Rs. 260-430. As per the promotion order the employees were required to successfully undergo the prescribed training. Accordingly they were sent for training course and they could not successfully complete the training in 2 chances. So they were sought to be reverted from the promoted post. The workman filed O.P. before the Honourable High Court and as per the direction of the Honourable High Court they were allowed to continue in the promoted post. The High Court also directed the management to provide them an additional chance to undergo the training. Admittedly in an additional chance they completed the training successfully. However the workman Sri K. P. John was regularised w.e.f. 25-5-90 and Sri Venugopalan w.e.f. 16-5-98 with the result that they were given seniority in the promoted cadre from those dates only with consequential loss of benefit of further promotion otherwise due to them. It is also admitted fact that both the employees were continuously working in the promoted post since 1981. But they have been given seniority only after the successful completion of training. According to the union/workman as the workmen were promoted and posted the Group-C in the year 1981 and working as such since 1981, the workman ought to have been regularised and their seniority ought to have been fixed from the date of working in the promoted post as they have completed training successfully. But according to the management Railway the training is a precondition for seniority. The training is not pre condition for seniority in the promoted post. It is not a direct recruitment. Paragraph 128 of the Indian Railways Employees Manual deals with the training to be given to the directly recruited commercial clerks. Of course the seniority of such direct recruitment is to be w.e.f. the date of successful completion of training. Paragraph 303 of Chapter III of the Indian Railway Manual deals with seniority of direct recruits. Paragraph 303 reads as follows :—

"The seniority of candidates recruited through the Railway Recruitment Board or by any other recruiting authority should be determined as under :—

- (a) Candidates who are sent for initial training to training schools will rank in seniority in the relevant grade in the order of merit obtained at the examination held at the end of the training period before being posted against working posts. Those who join the subsequent courses for any reason whatsoever and those who pass the examination in subsequent chances, will rank junior to those who had passed the examination in earlier courses.
- (b) In the case of candidate who do not have to undergo any training in training school, the seniority should be determined on the basis of the merit order assigned by the Railway Recruitment Board or other recruiting authority."

The learned counsel for the management would argue that regarding seniority the direct recruits and the promotees are not based on the successful completion of training. His argument is based on paragraph 189(4)(iii)(a) of the Indian Railway Manual which read as follows :—

"(4)(iii)(a) The standard of training imparted to the Group 'D' railway servants selected for Group 'C' posts should be the same as for direct recruits for the same Group 'C' categories and in the case of failure in the first attempt such employees may be given a second chance to qualify."

Paragraph 189(4)(iii)(a) does not relating to seniority but it is with respect to the standard of training imparted should be the same as for direct recruits and promotees. Paragraph 309 of the Indian Railway manual deals with the seniority on promotion. Paragraph 309 reads as follows :

"309 Seniority on Promotion :—Paragraph 306 above applies equally to seniority in promotion vacancies in one and the same category due allowances being made for delay, if any, in joining the new posts in the exigencies of service."

Seniority on promotion para 306 above applies equally to seniority to promotion vacancies in one and the same category due allowance made for the delay if any in joining the new posts in the exigencies of service. Paragraph 306 of the above said manual reads as follows :—
"Candidates selected for appointment at an earlier selection shall be senior to those selected later irrespective of the dates of posting except in the case covered by paragraph 305 above.

15. In these circumstances and for the above discussion I am of the view that the seniority of the promotees from Group-D to the post of Group-C should be the date of promotion and posting in Group-C. Therefore the denial of regularisation and seniority to the employees Sri K. P. John and K. V. Venugopal in the workman involved in I. D. 33/03 and 34/03(C) respectively of their promotion as commercial Clerk is not fair, proper and justifiable. Therefore the management is directed to regularise and give seniority to K. P. John in the workman in I. D. 33/03(C) w.e.f. the date of promotion and posting and K. V. Venugopal the workman in I. D. 34/03(C) w.e.f. the date of promotion and posting in the Group-C. posts.

In the result, a common award is passed holding that the denial of regularisation and seniority to the employees Sr. K. P. John and Sri K. V. Venugopal the workman involved in I. D. 33/03 and 34/03(C) promotion as commercial clerk is not fair, proper and justifiable and the management is directed to regularise and give seniority to Sri K. P. John workman in I. D. 33/03(C) w.e.f. from the date of promotion and posting as commercial clerk and Sri K. V. Venugopal workman in I. D. 34/03(C) w.e.f. the date of promotion and posting as commercial clerk.

This award will take effect one month after the publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 31st day of December, 2005.

Ernakulam

K. K. UTHARAN, Presiding Officer

APPENDIX

Witness examined on the side of Management and Union : Nil

Exhibits marked on the side of workman : Nil

Ext. W1—Copy of office order No. C. 32/81/TC dated 8-9-81.

Ext. W2—Copy of letter No. V/P 673/III/CC/Vol 4 dated 3-5-88.

Ext. W3—Copy of letter No. V/P/673/III/CC/Vol. 5 dated 29-5-90.

नई दिल्ली, 17 मार्च, 2006

का. आ. 1397.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 103/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-06 को प्राप्त हुआ था।

[सं. एल-40012/403/2000-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1397.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 103/2001) of the Central Government Industrial Tribunal/Labour Court, No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 17-3-06.

[No. L-40012/403/2000-IR(D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I. D. 103/2001

Sh. Santokh Singh S/o Sh. Nand Singh C/o Shri N. K. Ject. 27349, Lal Singh Basti Road, Bhatinda (Punjab)-151001. ... Applicant

Versus

The General Manager, Deptt. of Telecom, Jalandhar City-144001. ... Respondent

APPEARANCES:

For the Workman : Shri R. K. Rana,

For the Management : Shri Anish Babbar

AWARD

Passed on 20-2-2006

Central Govt. vide Notification No. L-40012/403/2000/IR (D. U.) dated 1-2-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of management of General Manager, Telecom, Jalandhar in terminating the services of Sh. Santokh Singh S/o Sh. Nand Singh is just and legal ? If not to what relief the workman is entitled and from which date ?”

2. The case taken up in Lok Adalat. The authorised representative of the workmen Shri R. K. Rana withdrew the present reference vide his statement recorded on 20-2-06. In view of the same, the present reference is returned as withdrawn in Lok Adalat Central Govt. be informed. File be consigned to record.

Chandigarh

20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1398.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 105/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-06 को प्राप्त हुआ था।

[सं. एल-40012/400/2000-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1398.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 105/2001) of the Central Government Industrial Tribunal/Labour Court, No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 17-3-06.

[No. L-40012/400/2000-IR(D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH****Case No. I. D. 105/2001**

Sh. Kuldip Singh S/o Sh. Mohinder Singh C/o Shri N.
K. Jeet, 27349, Lal Singh Basti Road, Bhatinda
(Punjab)-151001. ... Applicant

Versus

The General Manager, Deptt. of Telecom, Jalandhar
City-144001. ... Respondent

APPEARANCES:

For the Workman : Shri R. K. Rana
For the Management : Shri Anish Babbar

AWARD**Passed on 20-2-2006**

Central Govt. vide notification No. L-40012/400/2000/
IR (D. U.) dated 1-2-2001 has referred the following dispute
to this Tribunal for adjudication:

"Whether the action of management of General
Manager, Telecom, Jalandhar in terminating the
services of Sh. Kuldip Singh S/o Sh. Mohinder Singh
is just and legal? If not to what relief the workman is
entitled and from which date?"

2. The case taken up in Lok Adalat. The authorised
representative of the workman Shri R. K. Rana withdrew
the present reference vide his statement recorded on
20-2-06. In view of the same, the present reference is
returned as withdrawn in Lok Adalat Central Govt. be
informed. File be consigned to record.

Chandigarh
20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1399.— औद्योगिक विवाद अधिनियम, 1947 (1947
का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग
के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध
में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण
नं. -I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 107/2001) को प्रकाशित
करती है, जो केन्द्रीय सरकार को 17-03-06 को प्राप्त हुआ था।

[सं. एल-40012/394/2000-आई. आर. (डी. यू.)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1399.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 107/
2001) of the Central Government Industrial Tribunal/Labour
Court No. 1, Chandigarh now as shown in the Annexure in
the Industrial Dispute between the employers in relation to
the management of Deptt. of Telecom and their workman.
which was received by the Central Government on 17-3-06.

[No. L-40012/394/2000-IR(D.U.)]
SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH****Case No. I. D. 107/2001**

Sh. Ram Singh S/o Sh. Komal Singh C/o Shri N. K.
Jeet, 27349, Lal Singh Basti Road, Bhatinda (Punjab)-
151001. ... Applicant

Versus

The General Manager, Deptt. of Telecom, Jalandhar
City-144001. ... Respondent

APPEARANCES:

For the Workman : Shri R. K. Rana
For the Management : Shri Anish Babbar

AWARD**Passed on 20-2-2006**

Central Govt. vide notification No. L-40012/394/2000/
IR (D. U.) dated 1-2-2001 has referred the following dispute
to this Tribunal for adjudication.

"Whether the action of management of General
Manager, Telecom, Jalandhar in terminating the
services of Sh. Ram Singh S/o Sh. Komal Singh is
just and legal? If not to what relief the workman is
entitled and from which date?"

2. The case taken up in Lok Adalat. The authorised
representative of the workman Shri R. K. Rana withdrew
the present reference vide his statement recorded on
20-2-06. In view of the same, the present reference is
returned as withdrawn in Lok Adalat Central Govt. be
informed. File be consigned to record.

Chandigarh
20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1400.— औद्योगिक विवाद अधिनियम, 1947 (1947
का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग
के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध
में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 109/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-06 को प्राप्त हुआ था।

[सं. एल-40012/396/2000-आई. आर. (डी. यू.)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1400.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 109/2001) of the Central Government Industrial Tribunal/Labour Court. No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 17-3-2006.

[No. L-40012/396/2000-IR(D.U.)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 109/2001

Sh. Makhan Singh S/o Sh. Kewal Singh C/o Shri N. K. Jeet, 27349, Lal Singh Basti Road, Bhatinda (Punjab)-151001. ... Applicant

Versus

The General Manager, Deptt. of Telecom, Jalandhar City-144001. ... Respondent

APPEARANCES:

For the Workman : Shri R. K. Rana
For the Management : Shri Anish Babbar

AWARD

Passed on 20-2-2006

Central Govt. vide notification No. L-40012/396/2000/IR (D. U.) dated 1-2-2001 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of management of General Manager, Telecom, Jalandhar in terminating the services of Sh. Makhan Singh S/o Sh. Kewal Singh is just and legal? If not to what relief the workman is entitled and from which date?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri R. K. Rana withdrew the present reference vide his statement recorded on 20-2-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat, Central Govt. be informed. File be consigned to record.

Chandigarh
20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1401.—औद्योगिक विवाद अधिनियम, 1947. (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 101/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-2006 को प्राप्त हुआ था।

[सं. एल-40012/490/2000-आई. आर. (डी. यू.)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1401.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 101/2001) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 17-3-2006.

[No. L-40012/490/2000-IR(D.U.)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 101/2001

Shri N. K. Jeet, President, Telecom Labour Union, 27349, Lal Singh Basti Road, Bhatinda (Punjab)-151001. ... Applicant

Versus

The General Manager, Deptt. of Telecom, Hoshiarpur-146001. ... Respondent

APPEARANCES:

For the Workman : Shri R. K. Rana
For the Management : Shri Dharam Pal

AWARD

Passed on 20-2-2006

Central Govt. vide notification No. L-40012/490/2000/IR (D. U.) dated 9-2-2001 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of management of General Manager, Telecom, Hoshiarpur in ordering disengagement/termination of services of Sh. Naresh Kumar a workman engaged through contractor M/s. Ashok Kr. Sharma w.e.f. 30-6-97 is just and

legal ? If not to what relief the workman is entitled and from which date ?”

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri R. K. Rana withdrew the present reference vide his statement recorded on 20-2-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh

20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1402.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 59/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-2006 को प्राप्त हुआ था।

[सं. एल-14012/85/99-आई. आर. (डी. यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1402.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 59/2000) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 17-03-2006.

[No. L-14012/85/99-IR(D.U.)]
SURENDRA SINGH, Desk Officer
ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 59/2000

Sh. Tilak Raj C/o Sh. B. R. Parbhakar, 63-C, Kailash
Nagar, Model Town, Ambala Cantt. (Haryana)-133001

... Applicant

Versus

Officer Incharge, Military Farm, Ambala Cantt.
(Haryana)-133001 ... Respondent

APPEARANCES

For the Workman : Shri Sandeep Sharma
For the Management : Shri K. K. Thakur

AWARD

Passed on 20-2-2006

Central Govt. vide notification No. L-14012/85/99/IR (D. U.) dated 27-01-2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Officer Incharge Military Farm at Ambala Cantt. in terminating the services of Sh. Tilak Raj S/o Sh. Sahib Singh w.e.f. 25-11-98, is legal and justified ? If not to what relief the workman is entitled ?”

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri Sandeep Sharma withdrew the present reference vide his statement recorded on 14-02-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh

20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1403.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 57/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-2006 को प्राप्त हुआ था।

[सं. एल-14012/83/99-आई. आर. (डी. यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1403.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 57/2000) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 17-03-2006.

[No. L-14012/83/99-IR(D.U.)]
SURENDRA SINGH, Desk Officer
ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 57/2000

Sh. Jaibir Singh C/o Sh. B. R. Parbhakar, 63-C, Kailash
Nagar, Model Town, Ambala Cantt. (Haryana)-133001

... Applicant

Versus

Officer Incharge, Military Farm, Ambala Cantt.
(Haryana)-133001 ... Respondent

APPEARANCES :

For the Workman : Shri Sandeep Sharma
For the Management : Shri K. K. Thakur

AWARD**Passed on 20-2-2006**

Central Govt. vide notification No. L-14012/83/99/IR (D. U.) dated 27-01-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Officer Incharge Military Farm at Ambala Cantt. in terminating the services of Sh. Jaibir Singh S/o Sh. Bhanwar Singh w.e.f. 15-09-98, is legal and justified ? If not to what relief the workman is entitled ?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri Sandeep Sharma withdrew the present reference vide his statement recorded on 14-02-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh

20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1404.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 55/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-2006 को प्राप्त हुआ था।

[सं. एल-14012/81/99-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1404.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2000) of the Central Government Industrial Tribunal/Labour Court No. 1. Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 17-03-2006.

[No. L-14012/81/99-IR(D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 55/2000

Shri Lakhmir Singh S/o. Dayal Singh C/o Sh. B. R. Parbhakar, 63-C, Kailash Nagar, Model Town Ambala Cantt. (Haryana)-133001 ... Applicant

versus

Officer Incharge, Military Farm, Ambala Cantt. (Haryana)-133001 ... Respondent

APPEARANCES

For the Workman : Shri Sandeep Sharma
For the Management : Shri K. K. Thakur

AWARD**Passed on 20-2-2006**

Central Govt. vide notification No. L-14012/81/99/IR (D. U.) dated 27-01-2000 has referred the following dispute to this Tribunal for adjudication.

"Whether the action of the Officer Incharge Military Farm at Ambala Cantt. in terminating the services of Sh. Lakhmir Singh S/o Sh. Dayal Singh w.e.f. 11-98, is legal and justified ? If not to what relief the workman is entitled ?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri Sandeep Sharma withdrew the present reference vide his statement recorded on 14-2-06. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh

20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1405.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 3/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-06 को प्राप्त हुआ था।

[सं. एल-14012/64/99-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1405.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2000) of the Central Government Industrial Tribunal/Labour Court No. 1. Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 17-3-06.

[No. L-14012/64/99-IR(D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 3/2000

Sh. Grijesh Kumar S/o Sh. Chhotey Lal, C/o Sh. B. R. Parbhakar, 63-C, Kailash Nagar, Model Town, Ambala City (Haryana)-134003. ... Applicant

Versus

Officer Incharge, Military Farm, Ambala Cantt. (Haryana)-133001. ... Respondent

APPEARANCES:

For the Workman : None
For the Management : Shri K. K. Thakur

AWARD

Passed on 20-2-2006

Central Govt. vide notification No. L-14012/64/99/IR (D. U.) dated 16-12-1999 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Officer Incharge Military Farm, Ambala Cantt. (Haryana) in terminating the services of Sh. Grijesh Kumar son of Shri Chhotey Lal, w.e.f. 16-09-98 is legal and justified? If not, to what relief he is entitled?"

2. Case repeatedly called. None has put up appearance on behalf of the workman. Shri K. K. Thakur authorised representative of the management made a statement that as the name of the workman has already been forwarded to the Army Headquarter for further action by the Eastern Command and Northern Command. His name has been forwarded as per the seniority list maintained at the time of his retrenchment. He will be accommodated in the job as per the seniority and perhaps the workman is not coming to the court for further pursuing his case and the same may be returned for want of prosecution to the Central Govt. In view of the above statement, it appears that workman is not interested to pursue further with the present reference. the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh
20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1406. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 7/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-06 को प्राप्त हुआ था।

[सं. एल-14012/62/99-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1406.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2000) of the Central Government Industrial Tribunal/Labour Court, No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 17-3-06.

[No. L-14012/62/99-IR(D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 7/2000

Sh. Nagender S/o Sh. Ram Chander, C/o Sh. B. R. Parbhakar, 63-C, Kailash Nagar, Model Town, Ambala City (Haryana)-134003. ... Applicant

Versus

Officer Incharge, Military Farm, Ambala Cantt. (Haryana)-133001. ... Respondent

APPEARANCES:

For the Workman : None
For the Management : Shri K. K. Thakur

AWARD

Passed on 20-2-2006

Central Govt. vide notification No. L-14012/62/99/IR (D. U.) dated 16-12-1999 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Officer Incharge Military Farm, Ambala Cantt. in terminating the services of Sh. Nagender son of Shri Ram Chander w.e.f. 17-09-98 is legal and justified? If not, to what relief he is entitled?"

2. Case repeatedly called. None has put up appearance on behalf of the workman. Shri K. K. Thakur authorised representative of the management made a statement that as the name of the workman has already been forwarded to the Army Headquarter for further action

by the Eastern Command and Northern Command. His name has been forwarded as per the seniority list maintained at the time of his retrenchment. He will be accommodated in the job as per the seniority and perhaps the workman is not coming to the court for further pursuing his case and the same may be returned for want of prosecution to the Central Govt. In view of the above statement, it appears that workman is not interested to pursue further with the present reference, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh

20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1407.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 9/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-2006 को प्राप्त हुआ था।

[सं. एल-14012/67/99-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1407.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2000) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 17-03-2006.

[No. L-14012/67/99-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. LD. 9/2000

Shri Ram Tirath

S/o Sh. Balbir Lal.

C/o Sh. B. R. Parbhakar,

63-C, Kailash Nagar, Model Town,

Ambala City. (Haryana)-134003

... Applicant

Versus

Officer Incharge, Military Farm,

Ambala Cantt. (Haryana)-133001

... Respondent

APPEARANCES:

For the workman : None

For the management : Shri K. K. Thakur

AWARD

Passed on 20-2-2006

Central Govt. vide notification No. L-14012/67/99/IR (D.U) dated 16-12-1999 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Officer Incharge, Military Farm, Ambala Cantt. in terminating the services of Shri Ram Tirath son of Shri Balbir Lal, w.e.f. 8-10-98 is legal and justified ? If not, to what relief he is entitled ?"

2. Case repeatedly called. None has put up appearance on behalf of the workman. Shri K. K. Thakur authorised representative of the management made a statement that as the name of the workman has already been forwarded to the Army Headquarter for further action by the Eastern Command and Northern Command. His name has been forwarded as per the seniority list maintained at the time of his retrenchment. He will be accommodated in the job as per the seniority and perhaps the workman is not coming to the court for further pursuing his case and the same may be returned for want of prosecution to the Central Govt. In view of the above statement, it appears that workman is not interested to pursue further with the present reference the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh

20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1408.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 337/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-2006 को प्राप्त हुआ था।

[सं. एल-14012/13/2000-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1408.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 337/2000) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of Military Farm and their workman, which was received by the Central Government on 17-03-2006.

[No. L-14012/13/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 337/2000

Shri Yash Pal
S/o Sh. Singh Ram.
Resident of Quarter No. 25,
Military Farm Colony,
Ambala Cantt. (Haryana).

: Applicant

Versus

Officer Incharge, Military Farm,
Ambala Cantt. (Haryana).

: Respondent

APPEARANCES

For the workman : None

For the management : Shri K. K. Thakur

AWARD

Passed on 20-2-2006

Central Govt. vide notification No. L-14012/13/2000/IR (D.U) dated 29-08-2000 has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the Officer Incharge, Military Farm, Ambala Cantt. (Haryana) in terminating the services of Shri Yash Pal son of Shri Singh Ram ex-sceper, w.c.f. 16-9-98 is just and legal? If not to what relief the workman is entitled?”

2. Case repeatedly called. None has put up appearance on behalf of the workman, Shri K. K. Thakur authorised representative of the management made a statement that as the name of the workman has already been forwarded to the Army Headquarter for further action by the Eastern command and Northern Command. His name has been forwarded as per the seniority list maintained at the time of his retrenchment. He will be accommodated in the job as per the seniority and perhaps the workman is not coming to the court for further pursuing his case and the same may be returned for want of prosecution to the Central Govt. In view of the above statement, it appears that workman is not interested to pursue further with the present reference. The present reference is returned to the Central Govt. for want of prosecution. Central govt. be informed. File be consigned to record.

Chandigarh RAJESH KUMAR, Presiding Officer
20-2-2006

नई दिल्ली, 17 मार्च, 2006

का. आ. 1409.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-11, नई दिल्ली के पंचाट (संदर्भ संख्या 20/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-2006 को प्राप्त हुआ था।

[सं. एल-42011/31/2000-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1409.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2002) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 17-03-2006.

[No. L-42011/31/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

I.D. NO. 20/2002

Presiding Officer : R. N. Rai

IN THE MATTER OF :—

Shri Radhey Syam & others.
The General Secretary,
C.P.W.D. Mazdoor Union,
E-26 (Old Qtr.) Raja Bazar,
Baba Khark Singh Marg,
New Delhi.

Versus

The Director General Works.
CPWD, Nirma Bhawan,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-42011/31/2000/IR(DU) Central Government Dt. 07-08-2000 has referred the following point for adjudication.

The point runs as under :—

“Whether the action of the management of Directorate General (Works) CPWD New Delhi in not

promoting S/Sh. Radhey Shyam S/o Sh. Mool Chand (Sr. Mali), Ram Lakhan S/o Shri Late Rameswar (Sr. Mali) and Raghunath S/o Sh. Iswar (Sr. Mali) to the post of 'Chowdhary' on the ground that they have not passed trade test and ignoring the basis of seniority-cum-fitness is justified, legal and reasonable? If not, to what relief the workman are entitled?"

The workman applicant has filed claim statement. In the claim statement it has been stated that the Additional Director of Horticulture, Horticulture Department under the above management has appointed Choudharies from Sr. Malis.

That Shri Radhey Shyam, Ram Lakhan and Raghunath have been working as Sr. Malis and they were denied the promotion on the post of seniority-cum-fitness.

That the above workmen being Sr. Malis eligible and entitled for promotion to the post of Choudhary and as such qualifying trade test was conducted by the Department and thereafter a list of Sr. Malis, was declared in which 166 Sr. Malis were declared having passed the trade test.

That the workmen are having genuine grievance against method of conducting the trade test.

That there are certain amendments in the Recruitment Rules of Sr. Mali in which some has been converted into non-selection and 100% by promotion and for the purpose of promotion to the post of Choudhary, the Sr. Mali has been made by 100%.

That Radhey Shyam S/o Shri Mool Chand was engaged as Mali w.e.f. 24-10-85 and promoted as senior Mali w.e.f. 15-9-83 but the management has been taking the duty of Choudhary since 1992 and he also appeared in the written test and interview.

That Shri Ram Lakhan S/o Late Rameswar was also appointed as Mali on 21-11-68 and he was also promoted as Sr. Mali w.e.f. 1-4-85.

That Shri Raghunath S/o Shri Iswar was engaged as Mali on 9-1-78 and promoted as Sr. Mali on 1-11-88.

That the result of trade test was declared on 28-6-96 but the names of these workmen were dropped in the select list as they had not completed for the trade test and their juniors were promoted.

That the copies of recruitment rules for the post of Sr. Mali and Choudhary are being filed herewith and marked as Annexure-A collectively.

That the workmen did appear for the trade test but were surprised to see the result of the test when they did not find their names in the list of qualifying candidates whereas juniors to the workmen have been shown as qualified candidates.

That after the declaration of the result of the trade test on 28-6-96, the workmen made a representation to the Dept. but the Dept. did not pay any heed and on the other side it came to the knowledge of workmen that some post of Choudharies are being available and the Candidates from the said list are going to be promoted to the post of Choudhary and some of the selected candidates were also promoted by the management.

That copy of the representation of workmen dated 9-7-96 is also enclosed and marked as Annexure-B.

That the workmen are working as Sr. Malis, their confidential reports are upto the mark, there is no enquiry, charge sheet, warning during the entire service period and the recruitment rules provide promotion to the post of Choudhary on the basis of seniority subject to qualifying the trade test and the trade test specified is of the same terms of the job responsibilities which are being carried out by the Sr. Malis. As such, the existence of qualifying trade test in the recruitment rules for the post of Choudhary is a superfluous one and gives arbitrary powers to the officials of the management to act discriminately and malafidely while conducting the qualifying trade test for the post of Choudhary. It is submitted that in the present case the management has arbitrarily and intentionally did not pass the workmen in the qualifying trade test and now they are debarred from becoming Choudharies.

That the list of qualified employees is not at all sustainable in the eye of law as the management has acted arbitrarily while qualifying the employees in the trade test as there is not distinction between the job work being done by the Senior Malis and that attached to the post of Choudhary; as such the management has acted in a discriminatory manner and adopted the policy of pick and choose. It is submitted that no record of qualifying the trade test was maintained by the management, the failed candidates are not informed about the result, no specific criteria was adopted in the trade test and, accordingly, the entire list of qualifying test is a futile exercise which gives arbitrary power in the hands of the management because a similar test is also prescribed under the recruitment rules of Senior Malis which is a feeding post of Choudhary.

That the workmen are fully eligible according to the criteria set out for the trade test as they are marking attendance, they can read and write and other terms of qualifying test are already being carried out by the management. As, such they were eligible to qualify the trade test but their names have been arbitrarily rejected by the management. It is submitted that the qualifying test should remain as junior though he qualified the test and sources better marks and the senior most Sr. Mali should be given promotion to the post of Choudhary even though the junior may get better marks in the qualifying test. However, in the present case, the management has not adopted the aforesaid formula and acted arbitrarily. As such, the order dated 29-6-96 is not sustainable.

That the post of Choudhary is a non-selection post whereas the candidates have been selected on the basis of selection and the trade test means only qualifying test conducted just to judge the knowledge of the workman in his trade as prescribed in the Recruitment Rules. In fact, the management has adopted the policy of pick and choose and virtually the non-selection post has been converted into the selection post whereas the intention of the Recruitment Rules is entirely different. Shri Radhey Shyam is working as Sr. Mali w.e.f. 15-9-83 and performing the duties of Choudhary since, 1992, Shri Ram Laxhan was initially appointed as Mali on 21-11-68 and promoted to Sr. Mali w.e.f. 1-4-85 Shri Raghunath was initially appointed as Mali on 9-1-78 and promoted as Sr. Mali w.e.f. 1-11-88. All the workmen have acquired vast knowledge as per criteria set out under the Recruitment Rules and they could have been included in the list of qualified candidates.

That as per the judgement of Hon'ble Supreme Court the promotion under seniority-cum-merit does not involve assessment of comparative merit. In this case, the management violated the provisions of Recruitment Rules as well as discriminated while selecting instead of granting promotion on the basis of seniority-cum-fitness so the workman to be promoted as Choudharies with retrospective date.

That the workman had filed petition before the C.A.T. Bench at Delhi but due to non-appearance of the advocate, the case was dismissed in limine without going into the merits of the case.

That as per the provisions of Central Administrative Tribunal Act, the workman who are covered under the I.D. Act have been granted choice either to represent his case/their case before the Hon'ble CAT or under the I.D. machinery but this case was not decided on merits.

That as per the judgement of Hon'ble Supreme Court in the matter of Cox & King (Agents) Ltd. Applicants Vs. their workmen and others (respondents), the Hon'ble Supreme Court has held that no dispute award is no penalty and there is no bar for the appropriate Government to refer the dispute again for Industrial adjudication on the points of merit.

That earlier, the case of the workmen was dismissed without going into the question of merit of the case so the workmen have rightly raised their dispute before this authority for Industrial adjudication.

The Management has filed written statement. In the written statement it has been stated that as per the recruitment rules for the post, the workman has to pass the trade test to be considered eligible for promotion, which he failed to clear.

It is submitted that the trade test has been conducted as per relevant recruitment rules.

It is submitted that the trade test is mandatory and the same cannot be waived. It is further submitted that the department has been making promotion from the workers who have already passed the trade test on seniority-cum-fitness basis. It is pertinent to state that the applicant has failed to point out specific instance where above mentioned principles have been ignored by the respondent/management.

It is submitted that the claimant/workman has tried to misrepresent and distort the facts. The workman/applicant is performing the duties of his post i.e. Sr. Mali as assigned to him by the respondent/management.

The claimant/workmen themselves have admitted that they had failed to pass the trade test and hence they could not be promoted de hors the recruitment rules.

It is submitted that only those persons have been promoted who have passed the requisite trade test.

It is reiterated that the applicants/workmen have not been eligible for promotion to the post of Choudhary as they have not qualified the trade test which is mandatory as per recruitment rules.

It is stated that the workman has tried to misrepresent the facts. Their only contention is to abolish the provision of trade test which is vital source and is mandatory. It is denied that the trade test is a futile exercise and it gives powers in the hands of management.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman applicant that Sr. Malis are non-selection post and 100% Sr. Malis are to be promoted to the post of Choudhary. The Sr. Malis have appeared in the written test, interview, trade test but they have not been promoted whereas juniors to them have been promoted. Seniority is the sole criteria for promotion from Sr. Malis to Choudhary. The workman in the present case have been good confidential report. No warning and chargesheet has ever been issued to them. They should be promoted to the post of Choudhary on the basis of seniority. The qualifying trade test should be job responsibilities. The Sr. Malis have already been discharging the duty of Choudharies. They have not been promoted as a result of discriminatory policy and mala fide intention while conducting the qualifying trade test. The management deliberately and arbitrarily did not pass the Sr. Malis for promotion to the Choudharies. The list of

qualified employees is not sustainable in the eye of law as the management has followed the pick and choose policy. The failed candidates have not been informed about the result. No specific criteria was adopted in the trade test so the entire qualifying test is futile exercise. The management should not be vested with such arbitrary power. The workman are fully up to the mark regarding the prescribed trade test but still they have not been selected.

It was further submitted that in view of Lab IC 1998 page 2739 and Lab IC 1977 page 897 the workmen are to be posted at the post of Choudharies. I have perused the law. The law cited by the workmen is not applicable in the facts and circumstances of the present case.

It was submitted from the side of the management that old law has been changed by admendment rules for the post of Senior Malis and Choudharies. Method of recruitment has been provided in Rule 9, which runs as hereunder :—

"A candidate should qualify in a trade test. He should be able to read and write in order to take attendance of the labour and prepare daily reports. He should also be able to explain correct methods of different garden operations such as trenching, maneuvering, dressing, reservation of lawns, cultivation of annuals and vegetables, plantation of hedges, shrubs and trees. He should be able to identify common post and diseases and should be conversant with the methods of controlling them."

According to this rule a Sr. Mali should have knowledge of methods of different operations such as trenching, maneuvering, dressing, reservation of lawns. He should be in a position to advise the tenant of different gardens independently. He should be conversant with the diseases and the remedies or methods for their control. In the old rule only criteria was seniority-cum-fitness but this has been substituted by rule-9 and it is not only necessary that seniority-cum-fitness only should be considered but there should be a trade test and trade test comprises of comprehensive knowledge of gardening, protection of plants from insects and diseases.

It was further submitted that trade test has been conducted and those who were found suitable in view of the guidelines of the trade test have been selected. The candidates who did not display comprehensive knowledge of nursing and protecting the plants were not eligible.

It was further submitted that it is not the duty of the Court to take trade test. The court is not presumed to have knowledge as required in the trade test. There is Selection Board for conducting trade test and that Selection Board is the only legal entity to inquire into the qualification of Sr. Malis. This contention of the management is absolutely true. The Court is not a interview board and the decision taken by the interview board cannot be superseded by the Court. In case non-selected candidates approach the selection board, their representation should be considered.

The workman are not entitled to take any relief as prayed for. The preparation of the select list by the interview board cannot be interfered with.

The reference is replied thus :—

The action of the management of Directorate General (Works), CPWD, New Delhi in not promoting S/Shri Radhey Shyam, S/o. Shri Mool Chand (Sr. Mali), Ram Lakhan, S/o. Shri Late Rameshwar (Sr. Mali) and Raghunath, S/o. Shri Iswar (Sr. Mali) to the post of Choudhary on the ground that they have not passed trade test and ignoring the basis of seniority-cum-fitness is justified, legal and reasonable. The workmen applicants are not entitled to get any relief as prayed for.

Award is given accordingly.

Date : 6-3-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1410.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 111/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2006 को प्राप्त हुआ था।

[सं. एल-40012/398/2000-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1410.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 111/2001) of the Central Government Industrial Tribunal/Labour Court, No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 17-3-2006.

[No. L-40012/398/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 111/2001

Shri Tarlok Chand
S/o Sh. Banta Ram
C/o Sh. N. K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Punjab)-151001

... Applicant

Versus

The General Manager,
Deptt. of Telecom,
Jalandhar City-144001

... Respondent

APPEARANCES

For the Workman : Shri R. K. Rana
 For the Management : Shri Anish Babbar

AWARD**Passed on 20-2-2006**

Central Govt. vide notification No. L-40012/398/2000-IR (D.U.) dated 1-2-2001 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of General Manager, Telecom, Jalandhar in terminating the services of Sh. Tarlok Chand S/o Sh. Banta Ram is just and legal ? If not to what relief the workman is entitled and from which date ?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri R. K. Rana withdrew the present reference vide his statement recorded on 20-2-06. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh RAJESH KUMAR, Presiding Officer
 20-2-2006

नई दिल्ली, 17 मार्च, 2006

का. आ. 1411.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संवद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 5/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2006 को प्राप्त हुआ था।

[सं. एल-14012/68/99-आई. आर. (डी. यू.)]
 सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1411.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2000) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm, Ambala Cantt. and their workman, which was received by the Central Government on 17-3-2006.

[No. L-14012/68/99-IR (DU)]
 SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
 OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
 TRIBUNAL-CUM-LABOUR COURT-I,
 CHANDIGARH**

Case No. I.D. 5/2000

Shri Ravi
 S/o Sh. Laxman.
 C/o Sh. B. R. Parbhakar.
 63-C, Kailash Nagar, Model Town.
 Ambala City. (Haryana)-134003 ... Applicant

Versus

Officer Incharge, Military Farm.
 Ambala Cantt. (Haryana)-133001 ... Respondent

APPEARANCES

For the Workman : None
 For the Management : Shri K. K. Thakur

AWARD**Passed on 20-2-2006**

Central Govt. vide notification No. L-14012/68/99-IR (D.U) dated 16-12-1999 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Officer Incharge, Military Farm, Ambala Cantt. (Haryana) in terminating the services of Shri Ravi son of Shri Laxman, w.c.f. 1-11-98 is legal and justified ? If not, to what relief he is entitled ?"

2. Case repeatedly called. None has put up appearance on behalf of the workman. Shri K. K. Thakur authorised representative of the management made a statement that as the name of the workman has already been forwarded to the Army Headquarter for further action by the Eastern Command and Northern Command. His name has been forwarded as per the seniority list maintained at the time of his retrenchment. He will be accommodated in the job as per the seniority and perhaps the workman is not coming to the court for further pursuing his case and the same may be returned for want of prosecution to the Central Govt. In view of the above statement, it appears that workman is not interested to pursue further with the present reference, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh RAJESH KUMAR, Presiding Officer
 20-2-2006

नई दिल्ली, 17 मार्च, 2006

का. आ. 1412.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 53/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-2006 को प्राप्त हुआ था।

[सं. एल-14012/77/99-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1412.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/2000) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 17-03-2006.

[No. L-14012/77/99-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 53/2000

Shri Ram Nath
C/o Sh. B. R. Parbhakar,
63-C, Kailash Nagar, Model Town,
Ambala Cantt. (Haryana)-133001

... Applicant

Versus

Officer Incharge, Military Farm,
Ambala Cantt. (Haryana)-133001

... Respondent

APPEARANCES

For the Workman : Shri Sandeep Sharma

For the Management : Shri K. K. Thakur

AWARD

Passed on 20-2-2006

Central Govt. vide notification No. L-14012/77/99-IR (D.U.) dated 27-01-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Officer Incharge, Military Farm at Ambala Cantt. in terminating the services of Shri Ram Nath S/o Sh. Chhotey Lal w.e.f 15-09-98 is legal and justified? If not, to what relief the workman is entitled?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri Sandeep Sharma withdraw the present reference vide his statement recorded on 14-02-06. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh

RAJESH KUMAR, Presiding Officer

20-2-2006

नई दिल्ली, 17 मार्च, 2006

का. आ. 1413.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-03-2006 को प्राप्त हुआ था।

[सं. एल-14012/55/2000-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1413.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2000) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 17-03-2006.

[No. L-14012/55/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 1/2000

Shri Lalji
S/o Sh. Babu Lal
C/o Sh. B. R. Parbhakar,
63-C, Kailash Nagar, Model Town,
Ambala City. (Haryana)-134003

... Applicant

Versus

Officer Incharge, Military Farm,
Ambala Cantt. (Haryana)-133001

... Respondent

APPEARANCES

For the Workman : None

For the Management : Shri K. K. Thakur

AWARD**Passed on 20-2-2006**

Central Govt. vide Notification No. L-14012/55/99/IR (D.U) dated 29-10-1999 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Officer Incharge, Military Farm, Ambala Cantt. in terminating the services of Shri Lalji son of Shri Babu Lal, w.e.f. 16-09-98 is legal and justified ? If not, to what relief the workman is entitled ?”

2. Case repeatedly called. None has put up appearance on behalf of the workman, Shri K. K. Thakur authorised representative of the management made a statement that as the name of the workman has already been forwarded to the Army Headquarter for further action by the Eastern Command and Northern Command. His name has been forwarded as per the seniority list maintained at the time of his retrenchment. He will be accommodated in the job as per the seniority and perhaps the workman is not coming to the court for further pursuing his case and the same may be returned for want of prosecution to the Central Govt. In view of the above statement, it appears that workman is not interested to pursue further with the present reference. the present reference is returned to the Central Govt. for want of prosecution Central Govt. be informed. File be consigned to record.

Chandigarh RAJESH KUMAR, Presiding Officer
20-2-2006

नई दिल्ली, 17 मार्च, 2006

का. आ. 1414.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I. चण्डीगढ़ के पंचाट (संदर्भ संख्या 51/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-06 को प्राप्त हुआ था।

[सं. एल-14012/79/99-आई. आर. (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1414.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2000) of the Central Government Industrial Tribunal/Labour Court No.-I. Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 17-3-06.

[No. L-14012/79/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 51/2000

Shri Gurmeet Singh,
C/o Sh. B.R. Parbhakar,
63-C, Kailash Nagar, Model Town,
Ambala Cantt. (Haryana)-133001. ... Applicant

Versus

Officer Incharge,
Military Farm,
Ambala Cantt.
(Haryana)-133001. ... Respondent

APPEARANCES

For the workman : Shri Sandeep Sharma

For the management : Shri K.K. Thakur.

AWARD**Passed on 20-2-2006**

Central Govt. vide notification No. L-14012/79/99/IR (DU) dated 27-01-2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Officer Incharge Military Farm at Ambala Cantt. in terminating the services of Sh. Gurmeet Singh S/o Sh. Rattan Singh w.e.f. 14-9-98, is legal and justified ? If not to what relief the workman is entitled ?”

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri Sandeep Sharma withdraw the present reference vide his statement recorded on 14-2-06. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh
20-2-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2006

का. आ. 1415.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टोरेट ऑफ एडवर्टाईजमेंट एण्ड विजुअल पब्लिसिटी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-II. नई दिल्ली के पंचाट (संदर्भ संख्या 84/2000, 129/99, 133/99, 85/2000, 127/99,

130/99, 134/99, 57/2000, 83/2000, 132/99, 126/99, 133/99, 131/99, 128/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-06 को प्राप्त हुआ था।

- [सं. एल-42012/89/2000-आई. आर. (डी.यू.)]
- [सं. एल-42012/29/99-आई. आर. (डी.यू.)]
- [सं. एल-42012/33/99-आई. आर. (डी.यू.)]
- [सं. एल-42012/99/2000-आई. आर. (डी.यू.)]
- [सं. एल-42012/31/99-आई. आर. (डी.यू.)]
- [सं. एल-42012/28/99-आई. आर. (डी.यू.)]
- [सं. एल-42012/34/99-आई. आर. (डी.यू.)]
- [सं. एल-42012/31/2000-आई. आर. (डी.यू.)]
- [सं. एल-42012/88/2000-आई. आर. (डी.यू.)]
- [सं. एल-42012/26/99-आई. आर. (डी.यू.)]
- [सं. एल-42012/32/99-आई. आर. (डी.यू.)]
- [सं. एल-42012/27/99-आई. आर. (डी.यू.)]
- [सं. एल-42012/30/99-आई. आर. (डी.यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th March, 2006

S.O. 1415.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. Nos. 84/2000, 129/99, 133/99, 85/2000, 127/99, 130/99, 134/99, 57/2000, 83/2000, 132/99, 126/99, 131/99, 128/99) of the Central Government Industrial Tribunal/Labour Court, No.-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Directorate of Advertisement and Visual Publicity and their workman, which was received by the Central Government on 17-3-06.

- [No. L-42012/89/2000-IR (DU)]
- [No. L-42012/29/99-IR (DU)]
- [No. L-42012/33/99-IR (DU)]
- [No. L-42012/99/2000-IR (DU)]
- [No. L-42012/31/99-IR (DU)]
- [No. L-42012/28/99-IR (DU)]
- [No. L-42012/34/99-IR (DU)]
- [No. L-42012/31/2000-IR (DU)]
- [No. L-42012/88/2000-IR (DU)]
- [No. L-42012/26/99-IR (DU)]
- [No. L-42012/32/99-IR (DU)]
- [No. L-42012/27/99-IR (DU)]
- [No. L-42012/30/99-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R.N. Rai, Presiding Officer

In the matter of :

L-42012/89/2000/IR (DU) Ms. Chander Kala, ID No. 84/2000, L-42012/29/99/IR (DU) Vimal Kant ID No. 129/99, L-42012/33/99/IR (DU) Anil Bhardwaj, 133/99, L-42012/99/2000-IR (DU) Narender Kausik, 85/2000, L-42012/31/99-IR (DU) Madan Singh, ID No. 127/99, L-42012/28/99 IR (DU), Vipul Kumar, ID No. 130/99, L-42012/34/99 IR (DU) Upender Kumar, ID No. 134/99, L-42012/31/2000 IR (DU) Jai Prakash, ID No. 57/2000, L-42012/88/2000 IR (DU) Nardev Singh ID. No. 83/2000, L-42012/26/99 IR (DU) Ranbir Singh ID. No. 132/99, L-42012/32/99 IR (DU) Maman Chand ID. No. 126/99, L-42012/27/99/IR (DU) Subhash Chand ID. No. 131/99, L-42012/30/99/IR (DU) Arun Kumar ID. No. 128/99.

The General Secretary,
Rashtriya Mazdoor Sangh,
Plot No. 19, Rishi Nagar,
Amar Colony, Nangloi,
Delhi

Versus

The Director General,
Directorate of Advertisement
Visual Publicity (DAVP),
PTI Building,
3rd Floor, Parliament Street,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-42012/89/2000 IR (DU) Central Government Dt. 07-08-2000 has referred the following point for adjudication.

The point runs as under :

“Whether the action of the management of the Director General, Directorate of Advertisement, New Delhi in stopping from duty the 13 workmen Data Entry Operators instead of regularizing their services and not paying their wages as per regular employee, is justified, valid and reasonable ? If not, to what relief they are entitled ?”

There is only one reference no but the reference has been made in the names of individual workman. The facts and circumstances of the aforesaid ID cases are the same. Evidence has been recorded only in four or five cases and both the parties agreed that this evidence will be read in all the connected ID cases. so all the cases are decided by common evidence and common order.

The workmen applicants have filed claim statement. In the claim statement it has been stated that the workmen had been employed by the management of DAVP, a department of the Ministry of Information and Broadcasting, Government of India (hereinafter referred to as the management/respondent) and had been working with the respondent since 03-10-1996 and was getting the wages of Rs. 1750 per month.

That the workman was employed at the post of Data Entry Operator in the establishment of the respondent and was performing his duties as such with the management.

That no appointment letter was given to the workman by the respondent-employer and the workman had been employed to carry out the work of the respondent which is of a regular and perennial nature.

That the respondent had employed the workman through the agency namely CMCS Limited, IMC Limited, but the workman was working under the directions and control of the management and his attendance records and the work was under the direct supervision of the employer and the workmen had been working at the place/premises of the management.

That the management exercised control and disciplinary powers over the workman and the leave of the workman was also sanctioned by the management/respondent.

That the workman had been employed with the respondent through a "sham contract" with the agency and the workmen had actually been performing the duties of Data Entry Operator and also she was assigned the other clerical functions, from time to time including the maintenance of correspondence files.

That the respondents have used the names of the agency/contractor only on paper just to avoid the application of the legal provisions of various labour legislations and in fact the so-called contract has remained only on paper and has been used merely as a camouflage and smoke screen, by the respondents and the transparent veil is liable to be lifted by this Hon'ble Court, in order to see the relationship of the employer and employee between the respondents and the workmen.

That the payment of wages/salary was made to the workman by the management but these payments had been routed through the intermediary, for the ulterior motives and mala fides only to deprive the workmen of their legal dues and to extract illegal benefits therefrom, in collusion and connivance with the so-called contractor.

That even otherwise the management is not a registered establishment under the provisions of Section 7 of the Contract Labour (Regulation and Abolition) Act, 1970 and nor the so-called contractor/agency is licensed under the provisions of Section 12 of the Act and as such the workman is the direct employee of the respondent.

That the respondent had employed more than 50 workmen through the same sham contract, in utter violation of the mandatory provisions of the CLRA Act, 1970. That the appropriate Government had also issued a notification under Section 10(1) of the CLRA Act, 1970 prohibiting the employment of the contract labour for the computer operators/data entry operators, in the year 1995 and after the said notification the direct relationship of the employer and employee is established between the respondent and the workman.

That the workmen has been working at the post continuously since October, 1996 and her work and conduct remained fully satisfactory and there was never any complaint against the workman from any quarter.

That the workmen had completed more than 240 days of continuous service in the calendar year and having completed the requirements of Section 25 B of the ID Act, he was therefore entitled to the protection of the provisions of Chapter V(A) and more particularly of Sections 25F, G & H of the ID Act, 1947.

That on 30-04-1998 the management/respondent have terminated the services of the workmen abruptly, illegally, unjustifiably and without any reason whatsoever. The order of the termination was communicated to the workmen, orally.

That the workman had also sent a legal/demand notice dated 24-05-1999, through his union but the respondents/management had not given any reply to the same and subsequently the matter was taken up before the Ld. Conciliation Officer, but the respondent refused to take the workman back into employment.

That no notice or charge sheet/show cause was ever issued to the workmen nor any inquiry was held against the workmen, before termination of services in this illegal manner.

That the workman had been working along with other regular employees of the establishment and the nature of duties and job performed was also the same as was being done by these regular employees.

That the workmen had continuously been paid lesser salary/wages than the wages prescribed under the law and than those being paid to the other regular employees of the establishment who were paid the salary/wages and the allowance thereon, according to the pay scales of the post.

That the applicants were not given any other legal facilities/benefits such as the EPF, Gratuity, ESI, LTC, Earned Leave, Sick Leave, Bonus etc. and also the workmen were working over time in the establishment for the which no payment have been made to her by the respondent and when the workmen demanded payment of statutory minimum wages and other legal dues, the management terminated their services abruptly and arbitrarily.

That the services of the workmen have been terminated in this arbitrary, unjust and illegal manner and the mandatory provisions of Section 25F of the ID Act, 1947 have not been followed by the respondent before termination of the services of the workmen.

That the work on which the workmen had been employed continues to exist with the management and fresh hands have been employed at the posts/work at which the workmen had been working, in violation of the provisions of Section 25 H of the ID Act, 1947. The management has employed the following persons at the same work/post, after the termination of the services of the workmen :

1. Mr. Rajdhan, 2. Mr. Adhikari, 3. Mr. Jagan Nath, 4 Mr. Lal Chand, 5. Mr. Sunil, 6. Ms. Beena Gautam, 7. Mr. Deepak Kumar, 8. Mr. Vinesh Kumar, 9. Mr. B.S. Rawat.

That the termination of the services of the workman is against the principles of Natural Justice and is an act of unfair labour practice on the part of the management, as given in the fifth schedule to the ID Act, 1947.

That despite their best efforts to get an employment the workmen have remained unemployed since the date of termination of their services.

The management has filed written statement. In the written statement it has been stated that the claim of the workmen as well as the reference made by the competent authority before this Tribunal is misconceived, wrong and not tenable in the eyes of law.

That the instant claim is misconceived and has wrongly been referred to this Hon'ble Tribunal and therefore, the same is not maintainable. It is submitted that the competent authority has failed to apply its mind and has wrongly referred the matter for adjudication to this Hon'ble Tribunal.

That there had not been any relation of employer and employee between the management and the workman herein as the workmen had not been engaged, controlled and/or paid by the management.

That the workmen have not approached this Hon'ble Tribunal with clean hands and on this ground also, the instant claim is not maintainable. That the claim is based on misleading and misconceived facts and therefore also the same is not maintainable. That the work against which the contract was entered into had been of intermittent nature and therefore the claim is not maintainable.

Respondents have filed written statement. In the written statement it has been stated that the workmen were ever employed by the management. It is further submitted that no salary, wages was ever paid to the claimant/workman by the management/DAVP. It is further submitted that the workman has not provided any proof of payment made by the DAVP management to them. In fact, the DAVP

management had entered into a contract with M/s. CMCS for providing services of 15 Data Entry Operators for newly computerized Billing Section from 01-04-1994 to 30-06-1997. Thereafter, the contract was awarded to M/s. International Management Centre for a period from 07-07-1997 to 30-04-1998. The above agencies have deployed the services of the workmen along with others to carry out special job to be completed with a short period. These contracts were for a particular time. Question of issuance of any appointment letter to the workmen does not arise. Copies of the contracts stated herein are annexed as Annexure A-1 and A-2 respectively.

That the contents of the corresponding para except the fact that the work of the management being carried out at its place/premises are wrong and misleading and hence denied. It is denied that the workmen were never under direct control of the management. It is reiterated that the so-called workmen were never employed by the management.

That it is submitted that the data entry work of the management was being carried out by the workmen on behalf of the aforesaid agency to whom the contract was awarded at the place and premises of the management i.e., PTI Building, New Delhi. Since the management is a Central Government Department, discipline has to be maintained by all concerned individual entering into the office premises. It is denied that any leave or any other benefit was ever extended to the so-called workmen by the management.

That it is vehemently denied that services of the workmen were ever utilized for clerical functions. In fact they were deployed on data entry jobs along with others provided by the aforesaid contracting agencies. It is further submitted that some of such deployed persons were to collect data from K. G. Marg Office of the management and getting it fed in computers at PTI Building Office by the contracting agency only and not by the DAVP. It is further wrong and misleading that the contract was merely on paper and/or the same was illegal and/or for mala fide intentions and ulterior motives and/or to extract any illegal benefits therefrom and/or thereby any collusion and/or connivance for the same with the said contractors. The entire fact has been explained hereinabove.

That the workmen have never been direct employee of the respondents. The services of the workmen were utilized as per terms and conditions of the contract entered into. The number of workmen varies from time to time keeping in view of data entry workload.

That it is submitted that since the workmen were provided by the aforesaid contracting agency, their services were utilised irrespective of the fact as to how many days they worked. The provisions of the Act referred to therein are not applicable in the instant case.

That since the workmen were never employed by the management, question of their termination by the management does not arise. After expiry of the contract, it is upon the contractor i.e. the workman's employer to see whether the services of his personnel are required any further or not.

That it is submitted that the management had entered into contracts with the aforesaid agencies for the nature of jobs stated herein above, there had been no need to entertain any representation from any individual including the workman herein in the matter. However it is denied that the workmen have got any vested right for serving any notice.

That it is submitted that the workmen were never employed directly by the respondent, so question about the termination of their services did not arise nor the respondent was under legal obligation to give notice/charge sheet or conduct any inquiry.

That the workmen were not performing the job of regular employee. In fact the workmen were discharging their duties against the work of specific and intermittent nature for and on behalf of his employer i.e. the contractor referred herein above.

That consideration has been paid to the contractor. That it is stated that the workmen were not engaged by the respondent directly nor was paid by the management herein, and they are not entitled for any claim from the management. Question of termination of their services by the management does not arise in view of the submissions made herein above. Allegations for arbitrariness and illegality against the management are wrong and misleading and hence denied. The provisions of the Act referred to are not applicable in the instant claim.

That the workmen were never engaged on any work. The work which was allotted to the contractor has been completed and there is no work nor any fresh hand has been employed for data entry work.

That in view of the submissions made herein above, it is wrong to say that any illegality has been done by the management. The provisions of law and Act referred herein are not applicable in the instant claim.

That the contents of the corresponding para are denied because they did not relate to respondent. That the workman is not legally entitled to any of the reliefs claimed for nor they are the workman under the ID Act.

In view of the submissions made above as well as in the light of the judgment of the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 2452/99 (Taruna Mithani Vs. The Secretary, Ministry of Human Resource, Adult Education, New Delhi and others, the claim of the workman is not maintainable. The claim is devoid of any merit and deserves to be dismissed with

exemplary costs against the workmen and in favour of the DAVP.

It was submitted from the side of the workmen applicants that they have worked for over two years under the management as regular employees. The contractor was only a name lender. No payment was made to the contractor as the management took work in its premises and made payments to the workmen in cash. The contractor was not registered under Contract Labour (Regulation & Abolition) Act, 1970 and the management also is not registered under Contract Labour (Regulation & Abolition) Act, 1970.

It is admitted case that neither the management nor the contractor are registered under the provisions of Contract Labour (Regulation & Abolition) Act, 1970. MWI has admitted it.

It was further submitted from the side of the workmen that they worked with the regular employees of the management in the premises of the management. MWI has admitted this fact. He has admitted in his cross examination that all the workmen were working in the premises of DAVP. They were working with them through contractors from the date given in the claims. So it is established fact that the workmen worked in the premises of the management and with superior officers of the management. So the workmen worked under control and supervision of the respondents/management.

It was further submitted from the side of the workmen that the work is of continuous and perennial nature and 9 workmen were taken at their places when their services were terminated. The name of these 9 workmen taken has been mentioned in Para 23 and it has not been specifically denied by the management. So after removing these workmen another set of workmen has been taken by the management. This proves the fact that the work is of continuous nature and of sufficient duration. That the work is still going on with the help of contractor workmen. The work is of perennial in nature and sufficient duration. As per section 10 of the Act, 1970 contract labour should not be employed for work of continuous and perennial nature. The management has filed letter dated 30-06-97 which indicates from M/s. IMC 39 DEOS were taken on 07-07-97 and 19 additional DEOS were taken on 30-04-97. That work is still continuing so it cannot be said that the work is not of continuous and regular nature.

It has been held in a number of cases that in case the work is of continuous and regular nature the industrial adjudicator will decide the facts of individual cases and reinstatement or regularisation can be ordered.

It is admitted case of the management that the workmen worked with the other employees of the management and they were assigned work by the management so the management decided what is to be done and how it is to be done. When the control of what is

to be done and how it is to be done is in the hands of the management, there is contract of service and contract of service cannot be terminated without giving one month notice or pay in lieu of one month notice and retrenchment compensation. In the instant case no retrenchment compensation has been paid to any of the workmen. It has been held that control, supervision and method of work and integration are the tests for determining as to whether there is contract of service or contract for service. In case it is contract of service, the workmen will automatically become the employees of the principal employer. In the instant case there is contract of service and the work is of perennial nature so even without abolition of contract labour the industrial adjudicator has jurisdiction to decide the cases of such workmen.

It was submitted from the side of the management that there is no master and servant relationship. The workmen are the men of contractor. Contract was given for two years to the contractor and when his contract was over the job was given to another contractor.

It was further submitted from the side of the management that the contract workers were taken as per the decisions of the Government. There can be no decision of the Government for contract of service in breach of the provisions of Contract Labour (Regulation & Abolition) Act, 1970.

The work is routine work and it is of perennial in nature. The contract labour is prohibited. The intention of the legislation is to abolish contract labour wherever the work is of perennial in nature and of sufficient duration. There can be no Government policy against legislation. It is not the function of the Government to take decision against the provisions of a particular act. The Contract Labour (Regulation & Abolition) Act, 1970 specifically prohibits taking of contract employees for the work of perennial and regular nature.

It was further submitted that there was increase of work and computers were introduced so services of these workmen were taken. The management has not proved by evidence that the workmen were workers on computers and they have knowledge of computer. In the contract itself it has been mentioned that they will work on computer and they will discharge other miscellaneous work of Data Entry Operator. So these workmen were not taken for giving training to the existing staff of computer operation. Even when computer is introduced computer operators are required and the respondents should make regular appointment of computer operators. In the instant case it becomes obvious that the work is being taken by contract workers and no appointment as per recruitment rules have been made so far. The respondents are acting in breach of the provisions of the ID Act regarding engaging workmen in work of perennial nature without having registration under Contract labour (Regulation & Abolition) Act, 1970.

The contractor is not also competent to provide workmen. Contract has been created to camouflage the status of workmen. The contractor is mere a name lender. The contract is ruse and camouflage. There is direct employer-employee relationship between the respondents and the workmen.

It was submitted from the side of the respondents that according to Para-5 page no. 63 (2001) 7 SCC Steel Authority of India Limited Versus National Union Water Front that the Industrial Adjudicator will have jurisdiction only in those cases where prohibition notification under section 10(1) of the Contract Labour (Regulation & Abolition) Act, 1970 has been issued. Para-5 page no. 63 of the finding of the Hon'ble Apex Court are extracted as hereunder :

“On issuance of prohibition notification under section 10(1) of the CLRA Act prohibiting employment of contract labour or otherwise (capital letters) in an industrial dispute brought before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider the question whether the contract has been interposed either on the ground of having undertaking to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so-called contract labour will have to be treated as employees of the principal employer who shall be directed to regularize the services of the contract labour in the establishment concerned subject to the conditions as may be specified by it for that purpose in the light of Para 6”.

It was submitted from the side of the workmen that this observation of the Hon'ble Apex Court is regarding Steel Authority of India Limited and others Versus National Union Water Front Workers and Others as the hon'ble Apex Court was seized of the matter of validity of notification issued by the appropriate Government. This law is not applicable in other cases where only a few workmen are engaged by contractor and the work is of regular, perennial and continuous nature. The word otherwise indicates that the industrial adjudicator will have jurisdiction in the absence of prohibition notification.

It was submitted from the side of the workmen that the Hon'ble Apex Court in the same judgement has relied on the decisions of the Hon'ble Apex Court in Husaina Bhai's case (1978) 4 SCC 257 and Indian Petro Chemicals Corporation case (1999) 6 SCC 439. In these two cases no notice for abolition of contract labour under section 10(1) of CLRA Act has been issued. The Hon'ble Apex Court

has affirmed the findings of these two cases. The relevant portion of para 9 is extracted as hereunder :

“By definition the term “contract labour” is a species of workman. Where a workman is hired in or in connection with the work of an establishment by the principal employer through a contractor, he merely acts as an agent so there will be master and servant relationship between the principal employer and the workman. But where a workman is hired in or in connection with the work of an establishment by a contractor, either because he has undertaken to produce a given result for the establishment or because he supplied workmen for any work of the establishment, a question might arise whether the contractor is a mere camouflage, if the answer is in the affirmative, the workman will be in fact an employee of the principal employer; but if the answer is in the negative, the workman will be a contract labour.”

It was further submitted that the Industrial Adjudicator has to ascertain the relationship of master and servant and in case such relationship is established the contractor goes out of picture when the veil is lifted and the mask is removed. In such circumstances the notification for abolition of contract labour under section 10(1) is not required.

The Hon'ble Supreme Court in (2001) 7 SCC has not diluted or dissented the ratio of the two cases referred to in the findings of the Apex Court.

It is further submitted that the Hon'ble Apex Court affirmed the findings of the Hon'ble Apex Court in Indian Petrochemicals Case where contract labour has not been abolished. The workmen working in the statutory canteen employed by a contractor have been ordered to be regularized. It has been held by the Hon'ble Apex Court that :

“(C) Constitution of India, Art. 16—Regularisation of services—Workmen of statutory canteen—Initial appointment not in accordance with rules or recruitment policy of management factory—That apart their regularization may contravene requirements of Arts. 16 and 16—In spite of this High Court directed services of workmen to be regularized not as matter of statutory right—But with a view to eradicate unfair labour practice—Conditions therefore imposed by High Court while directing regularization proper.”

It was submitted that in case there is a breach of Section 10 or the other relevant section for employment through contractor the remedy is reinstatement. The workmen are not to be regularized as a matter of statutory right in violation of Article 16 of the Indian Constitution but as a remedy to eradicate unfair labour practice.

The Hon'ble Apex Court has affirmed the findings of the Hon'ble Apex Court in 1978-II-LLJ 397 that :

“Contract Labour—Who is the employer ?—whether the management or the intermediate contractor is the employer—whether *vinculum juris* existed between the management and the workmen—Held : in a *laissez faire* economy based on common law and the contract Act, the position may be different in the industrial branch of Third World jurisprudence, based on social justice, mere contracts are not decisive and a complex of considerations are relevant in deciding the real cause.

It was further submitted that the Hon'ble Apex Court in 2003 Lab IC 2630 held that in case the contract is sham and the contractor is mere name lender the workman engaged by the contractor substantially become the employees of the management and the respondents are liable to pay compensation and re-employ them.

“Uttar Pradesh Industrial Dispute Act (28 of 1947), S. 2(i)(iv)—Employer—Who is —Control test—Gardeners engaged through contractor—Looking after lawns and parks inside factory premises, campus and residential colony of company—Their work supervised by employer of company—Attendance recorded by another employee of company—Concurrent finding by Labour Court and High Court and supervision of company—Not liable to be interfered with—Fact that work of gardeners is not integral part of industry of company—Does not make them any the less employees of company when they were employed with company to work in its premises—Non filing of attendance register by company also supports the concurrent finding recorded by Labour Court and High Court—Termination of services of gardeners in violation S.6 N—Company liable to pay compensation and re-employ them. *Hussainabhai V. Alath Factory*, 1978 Lab IC 1264 : AIR 1978 SC 1410, Neither dissented nor diluted in *Steel Authority of India V. National Union Water Front*, 2001 Lab IC 3656 : 2001 AIR SCW 3574 : AIR 2001 SC 3527.”

It was further submitted that in 2004 LLR 351 the Hon'ble Apex Court has held that when the contract is found sham and camouflage it is not the question of law. It can be arrived at having regard to the provisions of Contract Labour Act, 1970. It is for the industrial adjudicator to decide the said question keeping in view the evidence brought on record.

It was further submitted that in Indian Petrochemicals case this point was urged that so long as there was no prohibition of contract labour under the provision of the Contract Labour Act, 1970 the management was free to engage the contractor to provide canteen services in its establishment. The Hon'ble Apex Court did not sustain this contention and regularization was ordered.

In (2004) I SCC 126 the Hon'ble Apex Court has held that industrial adjudicator is the exclusive and proper forum for determining the fact whether contractor's men are the direct employees of the management. Some tests have been laid down by the Hon'ble Apex Court just as control, integration, supervision. In this case also contract labour was not abolished still the Hon'ble Apex Court ordered for regularization.

In JT(2003) I SC 465 a larger bench of the Hon'ble Apex Court consisting of three Judges held that the Industrial Tribunal should be approached for the findings of the fact whether contract is sham and camouflage and after lifting the veil or the mask the naked truth is discerned and the contractor's workmen are absolutely associated and integrated with the management.

It was further submitted that in case the management has absolute control and supervision and the management decides what is to be done and how it is to be done and the workmen are at the dispensation of the management and the workmen in the premises of the management and the work is of perennial and continuous nature or of sufficient duration, there is contract of service and not contract for service.

The workman are not working for a given result but they are doing day to day routine work for the management and they are the essential organ or link of the management and the management cannot function in absence of such workmen. In such cases contract is introduced to camouflage the status of the workmen. The contract is merely a name lender and jobber.

It was further submitted that if such contract is permitted to go on the benign provision, directive principles of State Policy will be contravened. Directive Principles mandate that every state should endeavour to provide employment to the citizens of India. The contractor is not a state and he has no authority to provide employment to the citizens of India. Such system contravened not only Article 39 of the Constitution but 14, 16, 43 also. The contractor does not supply the employees after following reservation policy and considering the merits of the employees supplied to an industry on the ground of equality before law. The Contract Labour (Regulation and Abolition) Act, 1970 so far as supply of human labour for perennial nature of work is concerned becomes ultravires the constitution. Directive Principles are not fundamental rights but when the matter of governance of the country comes up, the directive principles have all the characteristics of fundamental rights.

As discussed above this Court/Tribunal has jurisdiction to decide the facts whether the workmen are the contractor men or they are direct employees of the respondents. In view of the Steel Authority of India the Industrial Adjudicator can decide this point. In view of the

decisions of the Hon'ble Apex Court referred to above this Court/Tribunal has jurisdiction to decide the present reference. The contract is sham and ruse. The workmen are the direct employees of the management/respondent. They are entitled to be reinstated with effect from the date of their removal without back wages. They also deserve to be regularised. The law cited by the management/respondents is not applicable in the facts and circumstances of the present case. It is admitted to the management that all the workmen have worked in 96, 97 & 98 so they have discharged 240 days work in a calendar year. They have not been paid retrenchment compensation so they are entitled to be reinstated u/s 25 F, G & H.

The reference is replied thus :

The action of the management of the Director General, Directorate of Advertisement, New Delhi in stopping from duty the 13 workmen, Data Entry Operators instead of regularizing their services and not paying their wages as per regular employee is neither justified nor valid nor reasonable. The workmen deserve to be reinstated and regularised on the wages of regular employees within two months after the date of publication of the award.

Award is given accordingly.

Date : 10-03-2006.

R.N. RAI, Presiding Officer

नई दिल्ली, 24 मार्च, 2006

का. आ. 1416. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सागर सीमेंट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 77/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-3-2006 को प्राप्त हुआ था।

[सं. एल-29011/104/2002-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th March, 2006

S.O. 1416.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 77/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of M/s Sagar Cement Ltd. and their workman, which was received by the Central Government on 23-3-2006.

[No. L-29011/104/2002-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD****PRESENT:**

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 24th day of February, 2006

Industrial Dispute No. 77/2004**BETWEEN**

The General Secretary,
Visakha Zilla Mutha Workers Union,
C.I.T.U. Office, 28-6-8, Yellamma,
Thota, Jagdamba Centre,
Visakhapatnam-530020.

... Petitioners/Representative

AND

1. The General Manager(W),
M/s. Sagar Cements Ltd.,
Bayyavaram,
Kasimkota Mandal,
Visakhapatnam.

2. Sri D. Biksham Reddy,
Civil Contractor, C/o M/s. Sagar,
Cements Ltd., Bayyavaram,
Kasimkota Mandal,
Visakhapatnam-531031.

... Respondent

APPEARANCES

For the Petitioner : Shri N. Venkateswara Rao,
Advocate

For the Respondent : M/s. Saibaba & Srinivas,
Advocates for R 1
M/s. D. V. Satyanarayana
Raju, M.P. Madhu &
P.V.N. Pavan Kishore,
Advocates for R 2

AWARD

The Government of India, Ministry of Labour by its order No. L-29011/104/2002-IR(M) dated 16-4-2003 referred the following dispute between the management of M/s. Sagar Cements Limited and their workmen under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to Industrial Tribunal-cum-Labour Court, Visakhapatnam and transferred to this tribunal bearing ITID No. 15/2003 in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as ID No. 77/2004. The reference is:

SCHEDULE

"Whether the termination of the 18 workmen (as per the list enclosed) w.c.f. 23-7-2002 by the employer as disputed by the Union is legal and/or justified or not? If not, what relief the Union is entitled to?"

2. Both the parties today reported that matter was settled out of Court and filed memo stating that each Petitioner received Rs. 10,000 from the Respondent in full and final settlement of their claim and not pressing the matter. In view of the circumstances petition dismissed as withdrawn and a 'Nil' Award is passed accordingly, Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 24th day of February, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 मार्च, 2006

का. आ. 1417.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट (संदर्भ संख्या 71/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-03-2006 को प्राप्त हुआ था।

[सं. एल-17013/13/98-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th March, 2006

S.O. 1417.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 71/99) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of L. I. C. and their workman, which was received by the Central Government on 23-3-2006

[No. L-17013/13/98-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE

Dated the 13th March, 2006

PRESENT :

Shri A. R. Siddiqui, Presiding Officer

C. R. No. 71/99

Shri Sunpole,
 Driver,
 Office of Sr. Divisional Manager,
 Amruth Prakash,
 Sath Kacheri Road,
 P. B. No. 43,
 Raichur-584101

... I Party

The Sr. Divisional Manager,
 D. O., Amruth Prakash,
 Sath Kacheri Road,
 P. B. No. 43,
 Raichur-584101

... II Party

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-17013/13/98/IR (M) dated 26th May, 1999 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of Life Insurance Corporation of India in refusing payment of overtime allowance to the Petitioner workman Shri Sunpole, Jeep Driver working in the Divisional Office of the respondent at Raichur for remaining on duty beyond 8 hours a day for the period from 14-11-1989 to 31-3-1997 on the ground that intermittent gaps between spells of driving should be excluded from the duty hours is legal and justified? If not, what relief is the concerned workman entitled?”

2. The case of the first party workman as made out, in the Claim Statement, in brief, is that he has been employed as the Jeep Driver in the management office since 13-11-1989 in pursuant to the order of appointment letter dated 8-11-1989 with his salary No. 559183. As per the Clause-6 of the appointment order his daily working hours will be 8 hours excluding Lunch Interval on all week days except Saturdays and 4½ hours on Saturdays and that subject to this limit, his actual working hours will be prescribed by the office from time to time; that he worked for more than stipulated 8 hours of work on a number of days right from 14-11-1989 to 31-3-1997 and remained on

duty beyond 8 hours a day during the said period as directed by his Superiors. The relevant particulars showing the date, the time starting the work and closing the work and the duration of the overtime work discharged by him is furnished at Annexure ‘A’ to his Claim Statement to be read as part and parcel of the Claim Statement. Therefore, he is entitled for the over time wages for the excess hours of work rendered by him as per the above said statement at Annexure ‘A’ and he demanded overtime wages from the management but no action has been taken by the management. On the other hand it refused to pay the overtime wages on the ground that “the intermittent gaps between spells of driving should be excluded from the duty hours”, and therefore, he raised the Industrial Dispute before the Conciliation Officer resulting into the present reference; that the CGIT, Calcutta has passed an award dated 4-10-1982 in Reference No. 24/1979 and has awarded over time wages to the concerned drivers in similar circumstances. This tribunal also passed a similar award on 10-12-1998 in CR No. 48/1990. Therefore, the first party requested this tribunal to pass an award with a direction to the management to pay Over Time Wages as shown in Annexure ‘A’ to the Claim Statement.

2. The management by its Counter Statement, not disputing the fact that the first party has been working as a Jeep/Van Driver under the management from 13-11-1989, however, inter alia contended that this tribunal has no jurisdiction to entertain the present reference due to the amendment made to the Life Insurance Corporation of India Act, 1956 (i.e. Amendment Act I of 1981) coming into effect on 31-1-1981. In view of the insertion of Section (2)(cc) to Section 48 of the said Act drastic changes have been made with respect to the terms and conditions of the workforce of the management; that the provisions of clause (cc) of Sub Section (2) and Sub Section 2(b) and the rules made thereunder shall have effect and any such rule made with the retrospective effect from any date shall also be deemed to have had effect from the date, notwithstanding any judgment, decree or any court, tribunal or other authority notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law or any agreement, settlement, award or other instrument for the time being in force. Therefore, in view of the said amendment, tribunal would have no jurisdiction to entertain the dispute in respect of working hours of drivers which means intermittent gaps between the two spells of driving should be excluded from the duty hours; that the Hon’ble Supreme Court of India in A. V. Nachane and Another Vs. Union of India and Others 1982 SC 1126, has made this position of law very clear holding that the right to raise an Industrial Dispute in respect of matters dealt with by the rules (aforesaid rules) be taken away and to that extent the provisions of ID Act will cease to be applicable. Likewise in a similar dispute CGIT, Chennai has passed an award dated 11-3-1996 upholding the above said contention of the management.

therefore, the conciliation proceedings resulting into the present reference itself were without jurisdiction much less the dispute raised before this tribunal; that as per the administrative instructions in accordance with the statutory regulations issued by the management from time to time, driving only will count for duty and the intermittent time between the two spells of driving is to be left out while computing the duty hours for the purpose of overtime wages; that the management is not governed by the provisions of Karnataka Shops and Establishments Act as well as it is exempted under Section 3(A) of the said Act, it being under the control of Union of India directly. The salary allowances and other conditions of employees are being arrived at by the process of Bipartite negotiations by the employees and the management initially and by its approval and ratification subsequently by the Govt. of India and accordingly Drivers are being given daily allowances and discomfort allowances through these settlements arrived from time to time for the extra work they undertake. Therefore, question of overtime allowance claimed by the first party for remaining on duty beyond the normal working hours is not proper and legal and is liable to be rejected as baseless and improper.

3. Keeping in view, the burden of proof cast as per the schedule in the reference, the management examined one witness as MW1 by filing affidavit evidence and got marked Ex. M1 series in his further examination chief. In his cross examination MW1 was unable to say if the first party worked beyond eight hours every day between 14-11-1989 and 31-3-1997. He admitted that first party made a request for payment of overtime wages as per the annexures to the Claim Statement. He admitted that a letter in this regard has been written by the first party union and first party also wrote two letters as per Ex. W1 to W3. He admitted that first party had maintained the log book showing the timing of the leaving of the vehicle and its coming back.

4. As a rebuttal, the first party filed his affidavit by way of examination chief and got marked 4 circulars issued by the management as per Ex. W5 series. In his cross examination he was unable to say if there is a circular prescribing the condition that as a driver he should be driving the vehicle everyday for eight hours as his duty and that the two spells in between the period of driving shall not be considered as on duty. He denied the suggestion that he can not claim the overtime wages for having worked before office hours and after office hours since for those hours he has been paid Daily Allowance, Discomfort Allowance and given Compensatory Leave.

5. Learned counsel for the management has filed his written argument more or less repeating the various contentions taken by the management in its Counter Statement. His main contention is that as per the administrative instructions issued in terms of the Establishment Manual coupled with Staff Regulation 1960

provisions, the actual number of hours of driving are calculated excluding intermittent gaps between the spells of driving and in the light of the rules, drivers are being paid Daily Allowances, Discomfort Allowances as well as Compensatory Leave and therefore, the first party is not entitled to the overtime wages claimed by him and his claim is liable to be rejected. He once again in his arguments referred to the above said decision of their Lordship of Supreme Court and the amendment to the provisions of Section 48 in support of his arguments. He took support of circular dated 9-11-71 and 10-7-73 to prove his point that the drivers will be paid overtime wages only for the number of hours for which they have driven the vehicle beyond the period of eight hours and not otherwise. He relied upon a decision in an unreported case in Writ Petition No. 6854/99 of our High Court to suggest that management/corporation is exempted from the application of the provisions of Karnataka Shops and Establishment Act, 1961.

6. Whereas, learned counsel for the first party workman in his argument submitted that no rules or regulations said to have been framed by the Corporation by way of the amendment to Section 48 of the LIC Act have been produced by the management to suggest that the jurisdiction of this tribunal has been ousted in entertaining the present dispute. He submitted that the case laws cited on behalf of the management also nowhere lay a proposition of law ousting the jurisdiction of this tribunal for entertaining the dispute like one on hand. On merit he submitted that there is absolutely no denial by the management that the first party worked as a Driver for more than 8 hours a day as per the statement at Annexure-A filed along with the Claim Statement and there is no evidence produced by the management as a statement countering the above said statement filed by the first party to show the actual number of hours the first party was on duty in the aforesaid period. He submitted that that two circulars of the year 1971 and 1973 relied upon by the management mainly speak to the Discomfort Allowance and not the Overtime Wages/Allowance and that the provision in the aforesaid Establishment Manual quoted by the management by way of circular in the year 1971 has been misinterpreted so as to deny the benefit of overtime wages to the first party. He also brought to the notice of this tribunal an earlier award passed in CR No. 48/90 wherein under the similar facts and circumstances of the case, the claim of the Jeep and Mobile Van Driver has been allowed by this tribunal. He produced the copy of the said award in support of his argument.

7. After having gone through the records, I find substance in the arguments advanced by the first party workman. The first and foremost contention taken by the management is that this tribunal has no jurisdiction to entertain the present reference due to the amendment made to Corporation of India Act, 1956 inserting Section 2(CC) to Section 48 in respect to the terms and conditions of

workforce of the management. The provisions of clause (cc) to sub-section 2(b) where under rules are said to have been framed ousting the jurisdiction of this tribunal as contended by the management read as under :—

“The provisions of clause (cc) of Sub Section (2) and Sub-Section 2(b) and any rules made under the said clause (cc) shall have effect, and any such rule made with retrospective effect from any date shall also be deemed to have had effect from that date, notwithstanding any judgment, decree or any court, tribunal or other authority notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law or any agreement, settlement award or other instrument for the time being in force”.

8. A plain reading of the said clause in my humble opinion does not lead to the conclusion that the jurisdiction of this tribunal has been ousted to entertain a dispute like one on hand raised by the first party. The rules said to have been framed under the above said clause in the light of the amendment are also not produced before this tribunal. If the management had framed certain rules with regard to the payment and otherwise or overtime wages to the Jeep and Mobile Van Drivers with a specific provision ousting the jurisdiction of this tribunal not to entertain any dispute in respect to said claim of overtime wages, then, certainly the contention taken by the management to oust the jurisdiction of this tribunal could have carried due weight. In the absence of those rules, the management just cannot take the support of the above said amendment to Section 48 of the LIC Act, 1956 so as to call upon this tribunal to reject the reference for want of jurisdiction. The principle laid down by their Lordship of Supreme Court in the above said case cited on behalf of the management will have no application to the facts of the present case. In the said case in the light of the aforesaid amendment “Life Insurance Corporation of India Class III and IV Employees (Bonus and Dearness Allowance) Rules, 1981 were framed and that amendment was challenged before their Lordship of Supreme Court of India and it was ruled that the amendment of Act and the aforesaid rules could not be said to be violative of Article 14, (Constitution of India, Article 14 & 32)”. The observations made by their Lordship at para 8 which have been very much relied upon by the management in my humble opinion will not be helpful to their case. Their Lordship held that “it is true that after rules are made regarding the terms and conditions of service, the right to raise an industrial dispute in respect of matters dealt with by the rules will be taken away and to that extent the provisions of the Industrial Disputes Act will cease to be applicable”. From the reading of the aforesaid observations, it is made clear that in the matter dealt with by the rules regarding the terms and conditions of service, the right to raise an Industrial Dispute has been taken away. In the instant case, we are yet to come across any such rules for

terms or conditions of service with respect to the payment of overtime wages framed by the management in the light of the aforesaid amendment to Section 48 of the LIC Act. In the aforesaid decision of the Hon’ble High Court of Madras cited on behalf of the management, Regulation 8 of Life Insurance Corporation of India Staff Regulations, 1960 was challenged before the High Court and it was held that it was a valid and enforceable regulation. Therefore, facts involved in the said case so also the point of law were altogether different from the facts and point of law involved in the present case not to attract the principle laid down in the said case.

9. Therefore, the contention raised by the management that this tribunal has no jurisdiction to entertain the present dispute must fail. Now coming to the merits of the case as noted above, the management witness has not denied the suggestion made to him that the first party worked more than 8 hours every day between 14-11-1989 to 31-3-1997 while serving under the management. On the other hand he admitted that he had made a request for payment of overtime wages as per the annexures to the claim statement so also admitted that the first party as well as the first party union have made representations with regard to the said demand as per Ex. W1 to W3. The fact that first party worked beyond 8 hours on every day as per the particulars given in the aforesaid annexure to the claim statement, very strangely, has not been denied by the management by way of cross-examination to the first party when he was in the witness box. A suggestion made as noted above, that there was circular prescribing condition that he should be driving the vehicle every day for 8 hours as his duty was denied by the first party and for the best reasons known to the management it has not been placed before this tribunal.

10. Now, coming to the two circulars of the year 1971 and 1973 very much relied upon by the management to defeat the case of the first party, it was well argued for the first party that first of all these two circulars cannot be taken support of by the management as they pertained primarily with respect to the discomfort allowance payable to the Mobile Van and Jeep drivers and not for the overtime wages as could be made out from the very reference of subject of the said two circulars quoted on top of them. I find very much substance in his arguments. Secondly in the first circular of year 1971, a provision is quoted from establishment manual so as to suggest that overtime will be allowed to the drivers only for the number of hours for which they are required to drive the jeep or mobile van in excess of 8 hours. It was rightly argued for the first party that the above said provision has been misinterpreted by the management in denying overtime charges to the first party. The contention of the management that intermittent gaps between the spells of driving should be excluded from duty hours on its face itself appears to be quite

unreasonable and against the principles of natural justice. Reasonable interpretation of the said clause must be, in my opinion, that overtime will be paid to the drivers concerned for the number of hours for which they required to be on the vehicle whether actually driving on road or sitting in the vehicle or driving the vehicle at the command of the officers under whom the driver works. Such an interpretation will be in consonance with the justice and common sense. Even if there be any doubt in the interpretation, its benefits should go to the poor workman, in this case the first party driver. The circular of the year 1993 is only with regard to the payment of discomfort allowance. The fact that first party has been given discomfort allowance and has been paid daily allowance on tour and that he also has been given compensatory leave for having worked on holidays as admitted by him in his cross-examination will not in any way absolve the management for its liability to make the payment of overtime wages when it has taken overtime work from a particular worker and in this case from the first party workman. Therefore, both the circulars relied upon by the management that too in the absence of the rules governing the service conditions of the first party workman with regard to the wages will not be helpful to the case of the management to defeat the claim of the first party workman. Other circulars are not at all relevant.

11. As noted above, there is no denial of correctness of the particulars furnished by the party workman in the annexure attached to the claim statement and it has also come in the statement of MW1 that the first party had maintained a log book showing the timing of leaving of the vehicle and its coming back. Therefore, in the light of the above, I must conclude to say that the claim of the first party workman for overtime wages/allowance for work done by him in the excess of 8 hours a day is legally justifiable. That apart, in a dispute raised by the union on behalf of the Jeep and Mobile Drivers referred to this tribunal in CR No. 48/90, has been disposed of by this tribunal by award dated 10-12-98 upholding the claim of the jeep and mobile van drivers claiming the overtime wages. My learned Predecessor while passing the award in favour of the union against the management of Life Insurance Corporation, itself has also made a reference to the award passed by the Presiding Officer, CGIT, Calcutta in Reference No. 24/79 which award was again based on the very same claim of the jeep and mobile van drivers working under the management. These two awards still hold the field, there being no evidence brought on record on behalf of the management to suggest that they have been set aside by the Higher Courts as on today and therefore, the management accordingly has to be directed to work out the overtime wages to be paid to the workman in the light of the log books maintained and the statement at Annexure A furnished along with the Claim Statement by the first party workman for the aforesaid period.

Accordingly the reference is answered and following award is passed :

AWARD

The management is directed to work out the overtime wages to be paid to the first party workman during the period from 13-11-1989 to 31-3-1997 in the light of the Statement Annexure 'A' and the log book maintained by the first party workman while on duty under the management. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 13th March 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 24 मार्च, 2006

का. आ. 1418.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टील अथोरिटी ऑफ इंडिया लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या 14/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-03-2006 को प्राप्त हुआ था।

[सं. एल-26012/13/95-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th March, 2006

S.O. 1418.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.A.I.L. and their workman, which was received by the Central Government on 23-3-2006.

[No. L-26012/13/95-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESHWAR

PRESENT:

Shri N. K. R. Mohapatra, Presiding Officer, C. G. I. T.-cum-Labour Court, Bhubaneswar.

Tr. Industrial Dispute Case No. 14/2001

Date of Passing Award : 15th February, 2006

BETWEEN:

The Management of the General Manager, Raw Material Division, SAIL, P. O. Rourkela, Distt. Sundargarh.

... 1st Party-Management

AND

Their Workman represented through The General Secretary,
United Mines Mazdoor Union, At. Anil Smruti Sadan; P. O.
Barsua, Distt. Sundergarh.

... 2nd Party-Workman.

APPEARANCES:

For the 1st Party-Management : Shri R. C. Tripathy,
Addl. Chief Law Officer

For 2nd Party-Workman : Shri A. Choudhury.

AWARD

The Government of India in the Ministry of Labour in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-26012/13/95-IR (Misc.), dated 14-2-1996:

"Whether the action of the Management of Raw Material Division, Steel Authority of India Ltd., Rourkela, Distt. Sundergarh, in not giving L-9 scale to Shri F. Tirkey, V. T. I. PL. No. 45318, w.e.f. 30-6-1993 is legal and justified? If not, to what relief the workman is entitled?"

2. It is the case of the workman that as per the order dated 11-8-1983 the Asst. Manager (Personnel) of Rourkela Steel plant in short R. S. P. he joined in the O. M. Q. headquarter of R. S. P. on 30-8-1983 as a Vocational Training Instructor (Engg.) and from 15-9-1983 worked at Kalta Iron Mines (Captive Mines) under the orders of Junior Manager, O. M. Q. of R. S. P. Subsequently from time to time he was promoted to different grades under the orders of O. M. Q. department as per the non-executive promotion policy (NEPP) of Rourkela Steel Plant. It is the further case of the workman that while he was working as a Vocational Training Instructor (N-8) in the Kalta Iron Mines a new Division called Raw Materials Division (R. M. D.) was created in 1990 and thereafter under the orders of the Senior Manager (Personnel) issued on behalf of R. S. P. he was brought back to O. M. Q. Headquarter vide order dated 28-11-1992. Thereafter in October 1993 he made a representation to Senior Manager (P) O. M. Q. for his promotion to Level-9. Acting upon such representation he was promoted but the order of promotion dated 17-11-1993 (Ext.-5) having issued from the office of R. M. D. he took exception to the same with the belief that by that order his service conditions are likely to be changed. On the basis of his appointment order and subsequent orders passed (as quoted above) by the R. S. P. and more so on the basis of the order dated 28-11-1992 by which the Senior Manager (Personnel) had transferred him from Kalta Iron mine to O. M. Q. headquarter he considering himself to be an employee of R. S. P. and submitted his joining report against his promotion order dated 17-11-1993 (Ext.-5) to the Manager P & A O. M. Q. in the following words.

"Sir,

I am to invite your kind attention to your above office order and would like to state that I am originally R. S. P. staff. But this office order has been issued from R. M. D. It is requested that the order may kindly be issued from R. S. P. end or if the office order has been from R. S. P. end, then this may please be treated as my joining report."

It is alleged by the workman that after his above joining report his status was neither clarified nor he was taken to have joined in his promotional post of Level-9 treating his above joining report as no joining report. In view of the same he raised an Industrial Dispute through his Union, which culminated in the present reference. In the above back drop the workman in his statement of claim has claimed to nullify the promotion order issued by the Raw Materials Division and for a direction to pass similar promotion orders under the authority of Rourkela Steel Plant with effect from 30-6-1993 and to pay the arrear differential amount from that date.

3. The Management of Raw Materials Division of SAIL on the other hand contents that the entire allegation of the workman is misconceived and baseless. According to him the workman was initially appointed by SAIL and posted in the Kalta Iron Mines under the O. M. Q. department of SAIL, RSP in 1963. In course of time he rose up to Level-8 in 1988. Thereafter pursuant to a decision for merger of O. M. Q. department of R. S. P. with a newly created Raw Materials Division all the employees of O. M. Q. department were placed under the administrative control of R. M. D. instead of R. S. P. in the year 1990. As the workman was then working in the Kalta Mine he was brought on transfer to O. M. Q. department in 1993 and the 2nd Party workman also submitted his joining report accordingly to O. M. Q. department of newly formed Raw Materials Division on 3-4-1993. Therefore his subsequent promotion to L-9 by the R. M. D. vide Order dated 17-11-1993 does not suffer from any infirmities and as such the 2nd Part should have submitted his joining report before the said authority instead of challenging the authority of R. M. D. in his joining report marked Ext.-6. In other words the Management of R. M. D. contents that it has never refused promotion to the workman to Level-9 but on the other hand the workman himself was guilty of not joining in his promotional post by presenting a conditional joining report and as such he is not entitled for any relief as claimed by him. It is further contended by the said Management that by issuing the above order of promotion of R. M. D. has never tried to change the service condition of the workman as evident from the letter of promotion (Ext.-5). As the workman was originally recruited against posts in mines and was posted in Kalta Iron Mines under the Ores, mines and quarries Department (O. M. Q. Department), on the formation of a separate Division called R. M. D. to take care of the O. M. Q. department he can not be treated as an

employee of the Rourkela Steel Plant by virtue of his earlier appointment/promotional orders issued by the S.A.I.L. during pre-separation period.

4. On the basis of the above pleadings of the parties the following issues were framed. Except relying on the documentary evidence no oral evidence has been adduced by both parties.

ISSUES

1. Whether the reference is maintainable ?
2. Whether the action of the Management is not giving L-9 scale to Shri F. Tirkey with effect from 30-6-1993 is legal and justified.
3. If not, to what relief the workman is entitled ?

ISSUE NO. 1 :

5. Not pressed by both the parties.

ISSUE NOS. II & III :

6. From the pleadings of the parties, as it appears the entire gamut of the case centers round the sole question as to whether after the formation of Raw Materials Division the workman who was initially working under the Rourkela Steel Plant is to be taken to be an employee of the Raw Materials Division or that of the Rourkela Steel Plant. To establish the nature of appointment the workman has not produced his appointment letter, which was initially issued to him in the year 1983. From the common judgement in O. J. C. 1419/90, 5980/93 and 9742/93 (Ext.-7) which were filed on behalf of some of the workman challenging the formation of Raw Materials Division under the SAIL, it appears that the SAIL had under its control five steel plants including Rourkela Steel Plant. There were three captive mines in Orissa under the control of Rourkela Steel Plant. The employees in such mines after being appointed by SAIL were placed under the Rourkela Steel Plant to work under its mine with service benefits as available to the other employees of the Rourkela Steel Plant. In 1990 the board of the SAIL took a decision to place all the captive old mines and collieries under the control of Raw Materials Division and accordingly directed that the mines under the control of Rourkela Steel Plant were to be transferred to the Raw Materials Division with effect from 1-5-1990 as evidence from Ext.-1. This decision of the SAIL which was challenged by the workers in the above noted OJCs on the ground that such transfer of the mines without taking up all the employees concerned was impermissible and was likely to affect adversely the service conditions of the employees working in various mines under the control of the Rourkela Steel Plant. In the above cases the Rourkela Steel Plant filed an affidavit to the effect that there is no question of any alternation in the conditions of service of the workman and other employees working in the mines by putting the Management control and administration of all

the mines under one intermediary administrative control namely the SAIL, Raw Materials Division by way of reorganization. Considering the above submission the Hon'ble Court came to hold that there is no scope for entertaining any apprehension that the service conditions of the employees concerned have been changed and accordingly further held that there is no scope for interference with direction issued by the SAIL for the formation of the Raw Materials Division.

7. Thus from the above it is abundantly clear that initially when some of the mines of the SAIL were under the control of the Rourkela Steel Plant the workman and many others were appointed by the SAIL itself and were placed under the control of the Rourkela Steel Plant to work in different mines kept under its control by the SAIL. Therefore in view of such fact the workman is basically to be treated an employee of SAIL and more so of the Raw Materials Division which was formed by the SAIL in the year 1990. Therefore, the order of promotion issued by the raw Materials Division in its letter dated 17-11-1993 (Ext.-5) promoting the workman to the rank of VTI in the scale of 1790-3001/-(L-9) in ECC with effect from 30-6-1993 is beyond reproach. It has been claimed by the workman that even though he was promoted to the rank of L-9 in the above quoted letter of the SAIL he was not paid the salary of that grade for which the present reference has come up.

8. From the documents filed by the Management it transpires that after the formation of Raw Materials Division in the year 1980 the workman was transferred to the said division and he accordingly had submitted his joining report as per Ext.-A on 3-4-1993 and thereafter he was promoted to the rank of VT-1 in L-9 scale by order marked Ext.-5. After receipt of the said promotion order the workman again submitted a joining report as per Ext.-6 addressed to the Manager of P&A, OMQ, Rourkela Steel Plant, Rourkela raising a question that the order of promotion should have been issued by the Rourkela Steel Plant instead of the Raw Materials Division. In his said joining report he further raised a condition that after the order of promotion issued by the Raw Materials Division is treated to be one issued by the Rourkela Steel Plant then his said letter be taken as a joining report but not otherwise. In view of such conditional joining report the workman has not yet been taken to have joined in the Raw Materials Division as evident from the pleading of the Management and obviously not getting the salary of the promotional post of L-9. From the very pleadings of the workman it transpires that basically he joined in service under the O.M.Q. Department of SAIL which was then under the management of R. S. P. and therefore, the various orders passed by the R. S. P. regarding his earlier promotion and his transfer from Kalta Mine to I. M. Q. Headquarters in the year 1992 i.e. after the formation of Raw Materials Division can not be made a basis to say that the workman was basically an employee of R. S. P. Therefore, after the formation of

R. M. D. to exercise control over the O. M. Q. Department the workman should not have taken exception to his promotion order issued by the Raw Materials Division and tendered a joining report questioning the authority of that department. However when the same seems to have been done under a mistaken assumption and as according to the submission of the Management the work of Level-9 grade is same and similar with the present work of the workman the Management is directed to give notional promotion to the workman with effect from 24-10-1993 i.e. from the date of Ext.-6 and he should be paid his arrear wages of Level-9 from the date of reference on 14-2-1996. He should no doubt be treated to be an employee of R. M. D., SAIL, without there being any change in his service conditions.

9. Reference is answered accordingly.

N. K. R. MOHAPATRA, Presiding Officer

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 24 मार्च, 2006

का. आ. 1419.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि हिन्दुस्तान एरोनॉटिक्स लिमिटेड में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 8 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/1/2003-आई. आर. (पी. एल.)]

'जे. पी. पति, संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 24th March, 2006

S.O. 1419.—Whereas the Central Government is satisfied that the public interest requires that the services in the Hindustan Aeronautics Limited which is covered by item 8 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/1/2003-IR(PL)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 27 मार्च, 2006

का. आ. 1420.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अप्रैल, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध हरियाणा के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्,

क्र. सं.	राजस्व ग्राम	हदबस्त संख्या	जिला
1.	सिकरी	48	फरीदाबाद

[संख्या एस-38013/29/2006-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 27th March, 2006

S.O. 1420.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2006, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Haryana namely :—

S. No.	Revenue Village	Had bast No.	District
1.	Sikri	48	Faridabad

[No. S-38013/29/2006-S. S. I.]

K. C. JAIN, Director

नई दिल्ली, 3 मार्च, 2006

का. आ. 1421.—राष्ट्रपति, श्री लैड अरुण अप्पासाहेब को दिनांक 21-2-2006 (पूर्वाह्न) से अगले आदेश होने तक केन्द्रीय सरकार औद्योगिक प्राधिकरण-सह-श्रम न्यायालय-II, मुम्बई में पीठासीन अधिकारी के पद पर नियुक्त करते हैं।

[संख्या ए-11016/14/2003-सी. एल. एस. II]

पी. के. ताम्रकार, अवर सचिव

New Delhi, the 3rd March, 2006

S.O. 1421.—The President is pleased to appoint Sh. Lad Arun Appasaheb as Presiding Officer Central Govt. Industrial Tribunal-cum-Labour Court-II, Mumbai w.e.f. 21-2-2006 (FN) until further orders.

[No. A-11016/14/2003-CLS-II]

P. K. TAMRAKAR, Under Secy.